# PUBLIC ADMINISTRATION IN SOUTH ASIA

## INDIA, BANGLADESH, AND PAKISTAN

Edited by

MEGHNA SABHARWAL AND EVAN M. BERMAN

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To my loving parents, Krishan Kumar Sabharwal and Savita Sabharwal.

**—Meghna**

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**—The Editors**



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# Introduction: Comments on Purpose and Method

This book provides a comprehensive overview of public administration (PA) in South Asia. It provides an in-depth examination of its objectives, processes, and achievements in four major countries: India, Pakistan, Bangladesh, and Sri Lanka. It was developed to serve the needs of policymakers, policy analysts, public managers, professors, students, and all others who desire a broad and accurate account of PA by some of the best experts in these countries. It provides an accurate description and discussion of observed conditions. It is no exaggeration to state that nowhere else will readers find such a comparative and authoritative treatment, a one-stop shopping, on PA in South Asia today.

About one-fifth of the human population lives in South Asia, and people in this region are connected and interact with others all over the world. However, little is known about the PA that underlies so many of its problems and achievements. South Asia is a contrast of enormous social problems, juxtaposed on the economic success of a growing middle class and wealthy business elite. People from inside and outside the region benefit from understanding ways in which its PA contributes to these problems and successes. Specifically, this book focuses on the machinery of government, highlighting the operation and capacity of its PA for contribution. Specifically, it discusses matters such as:

- What is the history of PA development in South Asia?
- How are major decisions made in the agencies in South Asia?
- Why are anticorruption efforts so much a challenge in South Asia?
- What is the significance of intergovernmental relations in South Asia?
- What is the success of administrative reform in South Asia?
- What are examples of successful social development programs in South Asia?
- How successful is e-government, and what are its challenges in South Asia?
- Why is civil service reform difficult to achieve in South Asia?
- How is freedom of information being used as a means to combat corruption and invoke grassroot activism?
- What can be learned from the successes and failures in South Asia?

We believe that this is essential knowledge for anyone interested in understanding the sphere of public action in South Asia. This book is the third parallel volume to examine PA in Asia.



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The first is *Public Administration in East Asia: Mainland China, Japan, South Korea and Taiwan* (2010), and the second is *Public Administration in Southeast Asia: Thailand, Malaysia, Hong Kong, The Philippines, and Macao* (2011). All three books are organized in parallel sections that discuss similar topics of these countries/administrative regions. When read in conjunction with the first book, readers can engage in comparative analysis that involves India, Pakistan, Bangladesh, Sri Lanka, Thailand, the Philippines, Malaysia, Hong Kong, Macao, Mainland China, Japan, South Korea, and Taiwan. These two volumes provide the essential one-stop shopping for PA in East and Southeast Asia.

This book also has several distinctive features that we think readers will value. First, this account is written by those of the region, not by those outside it. The advantage of getting the insider perspective and viewpoint is self-evident. Second, the authors are all experts in their fields, having published many journals and books in the discipline. We encourage readers to consider their brief biographies in About the Authors, found in the opening pages. Third, authors were asked to cover both essentials as well as advanced points in their chapters. Fourth, each chapter contains useful resources to pursue further interest in specific, in-depth matters. Fifth, authors were given broad leeway and discretion to discuss whatever they felt were the most important topics for others outside South Asia to know about. They could also discuss additional topics. By doing so, we encourage the use of concepts or perspectives that are different from or distinctive to their area.

The selection of topics within each country or administrative region is guided by disciplinary interests and the possibility of using material in PA education. Indeed, while this is no textbook, most chapters are useful in coursework, such as those on public policy, ethics, civil service reform, performance management (administrative reform), and e-government. Indeed, nowhere will professors find a better collection of chapters for bringing an international orientation to their courses, whether they are outside the region or inside it. We think the overview chapter will be very helpful as well, providing a basic overview of PA in South Asia.

The nature of any detailed examination requires inevitable tradeoff between breadth (countries) and depth (topics); it is inherent to a project such as this. The selection is also based on the availability of scholarship and experts in each field who can write at global standards. Significant capacity limitations exist in the region, including with regard to scholarship in PA, which is sometimes not as developed as one might expect. Comprehensive coverage is possible for India, Pakistan, and Bangladesh, albeit with some caveats. For example, it was not possible for us to obtain chapters on e-government and right to information in Pakistan, nor was it possible to obtain a chapter on intergovernmental relations in Bangladesh, which has a strongly unitary state. From Sri Lanka, only a single overview chapter was possible, and even that was not possible from Nepal, despite our best authors. The introduction from Pakistan is an overview chapter as well, and it was only in the last moment that some chapters on Pakistan became available. We are really pushing the frontier of capabilities and knowledge in South Asia.

Finally, the editors are themselves a snapshot of globalization in the field. One is of the region, completing much of her education there and seeking a PhD in the United States; she is now professor at the University of Texas at Dallas. The other was born in the United States but grew up in Europe. He received a PhD in the United States and completed an entire career there; now he is the director of the International PhD Program in Asia-Pacific Studies at National Chengchi University in Taiwan, a leading university for the social sciences and humanities. Such cross-cultural experiences are increasingly common today, and they help bring perspective. Western-approach concepts are significantly culturally and contextually embedded and do not always find the same expression in South Asia. We used our scholarly experience and editorial discretion to

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help avoid misinterpretation and confusion, to ensure that local nuances are clearly identified, and to ensure that writing styles meet global expectations for easy and smooth reading. We carefully tried to convey the meanings and intentions of the authors.

## The Approach

Considerable care was used in developing the methods for this book. A project like this requires many choices, much more than "slapping chapters together and putting them between book covers." All comparative works require guidance be given to authors so that chapters are comparable. A balance is needed between giving too much guidance, thereby stifling interesting insights and preventing authors from articulating that which may be unique to their setting, and too little guidance, which might result in little more than a collection of interesting but unrelated facts. This task was addressed and described in the first volume, *Public Administration in East Asia: Mainland China, Japan, South Korea and Taiwan*, where area coordinators decided to provide a scope of general topics that constitute essential as well as specific concerns that are relevant to a modern, international audience. Such an approach increases the likelihood of relevance, provides a context for prioritizing, and, within that, great leeway for authors to discuss whatever they felt constituted the basic understandings about their topic. In comparative studies, such an approach is not uncommon.

A list of topics for this volume was developed in consultation with authors from South Asia, building on the above experience. The context of South Asia did not make the use of country coordinators practical, and the editors provided such coordination themselves. A very detailed outline was developed, as shown in Table I.1, and provided to all authors of the book, as the *de facto* chapter outlines that provided the basis for comparison. Authors were expected to write about these topics concerning their country. Within these topics, they had absolute freedom, and they were encouraged to supplement these outlines by adding whatever else was deemed relevant.

Considerable care was also given to matters of quality control. Authors were selected based on their expertise and reputation in their chosen subject in their home countries. All manuscripts went through a multistage development and review process. In the first review, detailed outlines were reviewed by the editors for coverage (scope), currency, and objectivity, to ensure coverage that would allow for cross-analysis later. Based on this, some further refinement of the chapter guidelines occurred as well. In the second review, the editors reviewed completed manuscripts for content, balance, examples, and all other matters that make for useful chapters, including language, format, and structure of the chapters to maximize readability and facilitate comparison; between 3 hours and 3 days were spent on each manuscript. The chapters were sent back to the authors for final changes and review. In the third review, copyeditors of Taylor & Francis fine-tuned the language and made it suitable for publication. The result is this book.

We hope this book increases familiarity with PA in South Asia and also plays a useful role in integrating our world just a little bit more. Readers should feel free to contact the authors, all of whom have email addresses that can be found on the Internet.

**Meghna Sabharwal and Evan M. Berman**

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**Table I.1 Detailed Chapter Guidelines for Authors**

1. History and Context of Public Administration (PA)
   a. Cultural and Colonial Influences on PA
      - Historical periods of PA (focus on practices and very briefly on the development of PA as a discipline). Context and driving forces in the development of PA, including administrative, cultural, societal, and institutional forces; definition of public sector, including special districts, if any (Note: The focus of the chapter should be on central government)
      - Relationship of politics and administration
      - Major PA values in concert with Western values of equity, democracy, accountability, efficiency, effectiveness, and the role of government in society. A focus on "values" can link the discussion to the broader global literature on PA
      - Emerging issues in PA
   b. PA Education
      - Current state of PA education (number of universities offering PA courses; disciplinary identity)
      - Role of PA education in training public sector employees
      - Future of PA education
2. Public Policy Processes and Citizen Participation
   - Definition of public policy
   - Public policy-making process (include formulation, implementation, and evaluation stages; the point is to go beyond formulation in legislature)
   - Problems of policy-making processes
   - Various stakeholders influencing policymaking (including nongovernmental actors)
   - Citizen input in decision making (narrow) and participatory democracy (broad)
   - Example cases of innovations in citizen participation
3. Intergovernmental Relations (IGR)
   - Historical relationships among local, state, and national regions
   - Driving forces
   - Multilevel governance, nonprofit organizations, challenges, centralization, and decentralization
   - Public governance—practice and prospects for collaborative decision making across governments
   - IGR reforms and its results
   - Implications for intergovernmental management
   - Include descriptions of local government as involving special districts, municipalities, and divisions. Discuss any unique features in the administrative system (for example, Bangladesh is a unitary state with special districts/*zilas*)
   - Examples of cases

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**Table I.1 (*Continued*) Detailed Chapter Guidelines for Authors**

| |
|---|
| 4. Public Service Ethics<br>• Ethics laws and legal compliance, especially unique features of the administrative system (for example, nature of financial disclosure)<br>• Nature of corruption: individual as well as organizational and institutional; give examples of cases<br>• Policies to combat corruption—efforts to inspire ethical behavior through moral leadership of senior officials, ethics training, codes of ethics, ethics audits, performance measurement relating to ethics; give examples or cases<br>• Relationship between ethics and PA; discuss competing ethical obligations; examples |
| 5. Freedom of Information<br>• Historical context under which freedom of information laws are passed<br>• Improving access and transparency through freedom of information laws<br>• Challenges and opportunities—resources, implementation, innovations, training and education (government to citizen)<br>• Bureaucratic decision making—accountability, audits, and so on<br>• Examples of cases |
| 6. Administrative Reforms<br>• Brief overview of history of performance management reforms. Include discussion on relevant laws and legal framework<br>• Drivers and sources of reforms, levels of reform (system, agency, program or policy, team, individual), major tools<br>• Performance management reforms during the last 10 years in detail; provide examples; could include financial and economic reforms<br>• Outcomes of reforms—cases, systematic evaluation, challenges/failures<br>• Examples of cases unique to the administrative system |
| 7. Civil Service System and Reforms<br>• Brief overview of the civil service system<br>• Selection of civil service employees. Testing and selection procedures<br>• Status of civil servants in society<br>• Benefits and compensation<br>• Relationships between civil servants and elected officials<br>• Major reform in recent years<br>• Civil service culture and performance at the individual level (human interactions, bureaucratic culture, comparison with the Western system)<br>• Obstacles for civil service reform<br>• Examples or cases |

(*Continued*)

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**Table I.1 (*Continued*) Detailed Chapter Guidelines for Authors**

8. e-Government
   - Main actors and institutional development
   - Cases and examples relating to improving (1) internal government efficiency; (2) service to citizens; (3) e-democracy
   - Driving forces and outcomes
   - Challenges—infrastructure, human capital, IT and access (digital divide), privacy, and legal concerns
   - e-Government in local government
   - Examples or cases

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# About the Authors

**Muneer Ahmad** is director at the Centre for Policy and Environment at the Lahore School of Economics (LSE). He is also the editor of the *Lahore Journal of Policy Studies,* published by LSE. He has taught public administration at the Punjab University; the Civil Services Academy, Lahore, Pakistan; Maiduguri University, Nigeria; and Western Michigan University, USA. He spent a year as a visiting research fellow at Columbia University in New York and served as a member of the Presidential Commission on Reorganization of Civil Services (1978). He has published in local and international publications. His best-known publication is *The Civil Servant in Pakistan* (1964), published by Oxford University Press. His areas of interest are comparative administration, politics of third world countries, and civil service and public sector reform.

**Mohammed Badrul Alam** earned his PhD from Cornell University, New York, USA. He has taught for more than three decades in the United States, Japan, and India at various educational institutions. Since January 2006, Dr. Alam has been a professor at the Department of Political Science at Jamia Millia Islamia University, New Delhi, India. He has authored several books, as well as numerous articles, monographs, and book reviews published in international journals. He has received several prestigious awards, including a Fulbright fellowship, Shastri Canadian foreign ministry award, German Academic Exchange Service (DAAD) fellowship, Salzburg Global fellowship, and Baden-Wurttemberg fellowship, and he was a visiting scholar at the East–West Center, among other establishments.

**Quamrul Alam** is a senior lecturer in the Department of Management, Faculty of Business and Economics, Monash University, Australia. He received his PhD in development administration from Flinders University in South Australia and an MA in economics from Manchester University in the United Kingdom. His research interests are public administration, public governance, public–private partnership, globalization and internationalization of Australian business, corporate social responsibility, and social capital and supply chain performance. He has published articles in *Public Administration and Development*, *Public Management Review*, *International Journal of Public Sector Management, South Asia*, and *International Review of Administrative Sciences*.

**Salahuddin M. Aminuzzaman** is a professor of public administration at Dhaka University and former chair of the Department of Development Studies, University of Dhaka. He is also the academic adviser to National Defence College of Bangladesh (Armed Forces) and adviser for Public Policy and Governance Program, North South University, Bangladesh. He was a Ford Foundation research fellow, Eastern Regional Organization for Public Administration, the Philippines.



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He was a senior Fulbright scholar affiliated with North Dakota State University, USA. He was visiting professor to various universities, including Bergen University, Norway; the University of Tampere, Finland; and Dar es Salaam University, Tanzania. His areas of academic specialization include public administration, policy analysis, governance, development management, and research methodology. He has worked as a consultant to different international organizations such as the United Nations Development Programme (UNDP), World Bank, Asian Development Bank (ADB), United States Agency for International Development (USAID), and Department for International Development (DFID), among others. His recent publications include *Government and Development—Bangladesh and Regional Experiences* (2006), *Essentials of Social Research* (2010), and *Understanding Public Policy and Governance in Bangladesh* (with Ishtiaq Jamil and others) (2011).

**Muhammad Amjad** is the coordinator of the MS/PhD program at the Institute of Administrative Sciences (IAS) since 2004. His PhD is in public administration from Syracuse University, USA. He joined the IAS as member of doctoral faculty after retiring from the Civil Services of Pakistan. During his illustrious civil services career, he held key positions in government and autonomous bodies, such as director general of Civil Services Academy, director general of National Institute of Public Administration, and chairman, Ghee Corporation of Pakistan. At IAS, he teaches MPhil/PhD courses and supervises MPhil/PhD thesis. His area of expertise is public finance. He has published a book on Pakistan in his area of expertise.

**Dolly Arora** is a professor of political science at the Indian Institute of Public Administration, New Delhi. Prior to this, she was with the University of Delhi. She has published widely in national and international journals and has written books on governance, public policy, and reform issues. Her books include *Political Economy of WTO Regime: Some Aspects of Globalisation and Governance* (coauthored) and *Social Sector Development: From Outlays to Outcomes.* She has also undertaken several research and consultancy projects, including policy and program evaluation studies for the Indian government. Her current research interests include reforms, democracy, and sustainable development.

**Hasan Muhammad Baniamin** is a lecturer at the Department of Computer Science and Engineering at the People's University of Bangladesh. He has also served as a research coordinator with the Public Policy and Governance Program of North South University, Bangladesh. Earlier, he worked as the program coordinator in the Public Sector Change Management Training program funded by the UNDP and organized by North South University. He has authored two books and published 12 articles.

**Mohsin Bashir** is an assistant professor at the Lahore University of Management Sciences (LUMS), Pakistan. His areas of interest include public administration, with a focus on network governance, organizational theory, and nonprofit leadership and management. He holds a PhD in public administration and public policy from Arizona State University's School of Public Affairs where he was also a Fulbright Scholar. He also holds degrees in business administration and computer science. His publications include research articles on public administration, teaching cases on nonprofit management and industry reports on corporate social responsibility. Before moving to academia, he worked with Nike Inc., Canadian International Development Agency, Deutsche Gesellschaft fur Technische Zusammenarbeit, and the Swiss Agency for Development

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and Cooperation on projects in corporate social responsibility, sustainable development, and information and communication technologies.

**Rumki Basu** is a professor in the Department of Political Science at Jamia Millia University, New Delhi, India. She has published 9 books and 32 articles on issues of public policy and governance, international organization, and the political economy of development in India. She has presented papers at the World Congress of Political Science in Berlin (1994), Seoul (1997), Santiago (2009), and Madrid (2012) and has participated in international workshops in the Asia-Pacific region. She has received the Indian Council of Social Science Research Teacher Fellowship Award. Her important works include *Economic Liberalization and Poverty Alleviation: Social Sector Expenditures and Centre State Relations* (2000), *Public Administration: Concepts and Theories*—New Edition (2007), *Globalization and the Changing Role of the State* (edited) (2008), *Governance and Human Capital: The 21st Century Agenda* (co-edited) (2011), and *International Politics: Concepts, Theories and Issues* (edited) (2012).

**Evan M. Berman** is professor of public management at Victoria University of Wellington, School of Government, New Zealand. He is past university chair professor and director of the International Doctoral Program in Asia-Pacific Studies at the National Chengchi University in Taipei, Taiwan. He is the founding editor of the American Society for Public Administration's book series on public administration and public policy, a distinguished Fulbright scholar, and senior editor of *Public Performance and Management Review*. Evan Berman has widely published in all of the major journals of the discipline, and his related books include *Public Administration in East Asia: Mainland China, Japan, South Korea, and Taiwan* (CRC Press, 2010) and *Public Administration in Southeast Asia: Thailand, Philippines, Malaysia, Hong Kong, and Macao* (Taylor & Francis, 2011). His areas of expertise include public performance and human resource management, and he is the coauthor of the leading textbook, *Human Resource Management in Public Service*, 4th edition (Sage, 2013), as well as *Essential Statistics for Public Managers and Policy Analysts*, 3rd edition (CQ Press, 2012). Berman was previously a policy analyst with the U.S. National Science Foundation and the Huey McElveen Distinguished Professor at Louisiana State University.

**Mohammad Ashraful Haque** is a lecturer at the Department of Public Administration, Jahangirnagar University, Bangladesh. Before joining Jahangirnagar University, he had also served as a researcher at the Institute of Governance Studies at BRAC University. He worked as a research consultant in the UNDP's Bangladesh Local Government Reform program. His recent publications have appeared in journals such as *International Public Management Review* and *Journal of Administrative Studies*. His research interests include public finance, public sector resource optimization, and local government reform.

**A.K.M. Reazul Hassan**, a professor of political science, is working at a university-level government college in Bangladesh. He is also a national volunteer of Jatiya Nirbachan Parjabekkhan Parishad (JANIPOP). He earned his bachelor's, master's, and MPhil from Jahangirnagar University under the Department of Government and Politics in Bangladesh. He also earned his PhD from the University of Dhaka under the Department of Public Administration in 2010. He has authored about 20 articles and coauthored two books. He is a regular contributor to national dailies and a member of JANIPOP's research pool. He contributes regularly to drafting reports. He has a special interest in electricity governance and reform.

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**Nasira Jabeen** is director of the Institute of Administrative Sciences at Punjab University. She received her PhD from the University of Stirling, UK, and Master of Public Administration (MPA) from the University of Southern California, USA. She completed her postdoctoral fellowship at the Institute of South Asia, University of Texas, Austin, USA, with a focus on local governance and gender. She was appointed professor of the Prince Clause Chair, jointly hosted by the Utrecht University and the Institute of Social Studies, the Netherlands, in 2006–2007. She has published her research work in international and national journals in the area of governance and public management with special focus on civil service, local governance, human resource management, and gender. She has contributed toward teaching public management at the Civil Services Academy, Lahore, Pakistan, and the National Institute of Management (NIM) in Lahore, Karachi, and Quetta. She has worked as Human Resources Development (HRD) consultant for Canadian International Development Agency (CIDA), the British Council, the Governance Institutions Network International (Norwegian Government Project), and UNICEF. She frequently lectures and conducts training workshops at public and private training institutes and civil society organizations. She is actively involved with civil society organizations and community projects. She has served as the chairperson of AWAZ, a nongovernmental organization (NGO) working in the development sector in the region of Southern Punjab, Pakistan. She is the current president of Management Development Institutions of Pakistan (MDIP), Lahore.

**Muhammad Zafar Iqbal Jadoon** is the dean of Faculty of Management Studies and director, Center for Governance, Institution and Organization at the University of Central Punjab (UCP). Before joining UCP, he served the University of the Punjab as professor of administrative sciences, director of the Institute of Administrative Sciences, and dean of faculty of Economics and Management Sciences. He is also honorary professor at the Stirling Management School, University of Stirling, Scotland, UK. He has published in local and international journals. His research interests are in the area of organizational theory, human resource management, and public sector reform.

**Abu Rashid Jafri** is a professor of public administration. He serves as a member of the doctoral faculty at the Institute of Administrative Sciences, University of the Punjab, Lahore. He is an eminent scholar of public administration in Pakistan. Dr. Jafri received his PhD in public administration from University of Southern California (USA) and has attended advanced courses at the Australian Administrative Staff College, Melbourne (Australia). His research is published in national and international journals, and he has presented at conferences such as the International Institute of Administrative Sciences (IIAS), Brussels. He is a management consultant of international stature and has completed a number of World Bank and United Nations Development Programme (UNDP) research projects. Dr. Jafri has extensive international exposure and has represented Pakistan in conferences organized by International Labour Organization (ILO).

**Nazmul Ahsan Kalimullah** is a senior professor in the Department of Public Administration at the University of Dhaka. He is also the founder and chairman of JANIPOP. He earned a postgraduate diploma in journalism and a PhD in development administration from the University of Birmingham, UK, and he completed a postdoctoral fellowship from the University of Bath, UK. He has observed elections in USA, UK, Nigeria, Zambia, Mozambique, Egypt, Sri Lanka, Hong Kong, Pakistan, Nepal, and Bangladesh. Recently, he observed the parliamentary elections 2012 in Timor-Leste. He has authored more than 60 articles and books. He is a regular participant in TV talk shows and a regular contributor to national dailies.

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**Mohammad Mohabbat Khan** is a member of the Bangladesh University Grants Commission (BUGC). He was the senior-most professor at the University of Dhaka before joining BUGC in November 2011. He earned his MPA from Syracuse University and PhD in public administration from the University of Southern California. He has been teaching at the University of Dhaka since 1970. He was appointed professor in the Department of Public Administration, University of Dhaka, in 1983, where he served as chairman. Professor Khan did his postdoctoral research as a senior Fulbright fellow at Cornell University and the University of Texas at Austin. He had been a Ford Foundation Research fellow at the Institute of South East Asian Studies, Singapore. He taught at universities in USA, Nigeria, and Jordan. He also served as a member of the Bangladesh Public Service Commission for five years from 1999 to 2004. Professor Khan has authored 17 books and 6 monographs and published over 185 articles in professional refereed journals and contributed chapters in edited books abroad. He has been a member of editorial boards of several international journals.

**Ram Kumar Mishra**, senior professor, director, and Oil and Natural Gas Corporation Limited (ONGC) Subir Raha Chair Professor at the Institute of Public Enterprise, is a graduate of the International Management Program, SDA Bocconi, Milan, Italy. Mishra has also been a researcher for the Planning Commission, the Finance Commission, the Prime Minister's Economic Advisory Council, the OECD, United Nations University World Institute for Economic Development Research, the International Civil Service Consortium, state bureaus of public enterprises, financial institutions, and banks. He has been a fellow of the British Council and Commonwealth Secretariat and has taught at the University of Bradford, UK. He was associated with the UNDP project on Macro Economics of Poverty Reduction, carried out by the Indira Gandhi Institute of Development and Research, funded by the Reserve of Bank India, and he was a team member of the State Fiscal Restructuring Project of the National Institute of Public Finance and Policy. He is a member of the UN Task Force on Standards of Excellence for Public Administration Education and Training and vice president of the International Association of Schools and Institutes in Administration (IASIA), Brussels.

**Mobasser Monem** is a professor of public administration at the University of Dhaka. His doctorate in public management is from the University of London, UK. He has written extensively on various aspects of public sector governance with special focus on public sector management, local governance, and public policy. He got the prestigious Humboldt postdoctoral fellowship in 2003, which was tenable at the South Asia Institute, Heidelberg University, Germany, where he was engaged in research and teaching. He has authored two books and 50 academic articles that have appeared in reputed international journals. Currently, he is acting as the head of research at the Centre for Administrative Research and Innovation (CARI), University of Dhaka. He has worked as a consultant in many development projects undertaken/funded by such organizations as the UNDP, UNCDF, UNICEF, World Bank, DFID, DANIDA JICA, KOICA, CIDA, SIDA, and SDC, as well as various government and nongovernment agencies in Bangladesh in the fields of urban/local governance, institutional development and capacity building, monitoring and evaluation of development programs, privatization, and civil service capacity building and reform.

**A.M. Navaratna-Bandara** is a professor in political science and head of Department of Political Science, University of Peradeniya, Sri Lanka. He teaches human rights, public policy, and public administration. He has several academic publications to his credit, including *Management of Ethnic*

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*Secessionist Conflict: The Big Neighbour Syndrome* (Dartmouth, Aldershot, 1995); "State Crafting and Ethnic Accommodation in Post-Independent Sri Lanka" in Weligamage D. Laksman and Clement A. Tisdell (editors), *Sri Lanka Development since Independence: Socio-Economic Perspectives and Analysis* (Nova Science Publishers Inc., New York, 2000); "Provincial Public Administration and the Public Service" in Ranjith Amarasinghe et al. (editors), *Twenty-Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka* (Institute of Constitutional Studies, Colombo, 2010); and "State Building and Nation Building in India" in Ranjith Amarasinghe and Jayampathy Wickramaratne (editors), *Power Sharing: The International Experience* (Institute of Constitutional Studies, Colombo, 2011).

**Pranab Kumar Panday**, PhD, is a professor at the Department of Public Administration, University of Rajshahi, Bangladesh. After completing BSS (Honors) and MSS degrees in public administration from the University of Rajshahi, he obtained MPhil and PhD degrees from the University of Bergen, Norway, and City University of Hong Kong, respectively. He conducted his postdoctoral research at Cornell University as a senior Fulbright scholar. His main area of research includes public policy, governance, and gender studies. In addition to a couple of books published in India and Germany, the manuscript of his third book, entitled *Women's Political Participation in Bangladesh: Institutional Reforms, Actors and Outcomes* has been accepted for publication by Springer. His academic articles have appeared in the *Asian Survey*, *International Journal of Public Administration*, *International Political Science Review*, *Local Government Studies*, *Commonwealth and Comparative Politics*, *Asia-Pacific Journal of Public Administration*, *Public OTL Hear Back, Organization Review*, *Asia-Pacific Journal of Social Work and Development*, and *Asian and Pacific Migration Journal*, among others.

**Golam Rabbani** is currently teaching at the Department of Public Administration, Rajshahi University, Bangladesh. He completed BSS (Honors) and MSS degrees in public administration from the University of Rajshahi, Bangladesh. Later, he obtained a master's degree in public policy and governance from North South University, Dhaka. In addition to a couple of books and a number of book chapters, he has published many research articles in internationally reputed journals. His main research interests include public policy, governance, poverty, health, and environment.

**Meghna Sabharwal** is a faculty member at the School of Economic, Political and Policy Sciences at the University of Texas at Dallas and an assistant professor in the Public Affairs program. Her research interests are focused on human resources management, comparative public administration, race and gender issues, and high-skilled immigration. Her most recent work is published in *Review of Public Personnel Administration, Research Policy, Public Administration, The Social Science Journal*, and *Government Information Quarterly*, among others. She has also contributed a chapter to the book, *Women in Public Administration: Theory and Practice*. She received her doctorate in public administration from Arizona State University in 2008. She worked as a postdoctoral research fellow at the City College of New York, City University of New York (CUNY), before joining the faculty at the University of Texas at Dallas.

**Mohammad Golam Kebria Sarkar** is an MPhil student at the Department of Public Administration at the University of Dhaka in Bangladesh. His research topic is the "role of NGOs in protecting the environment of Bangladesh." He completed his honors and master degrees from the same university and had distinctive academic results. Presently, he is serving in electronic

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media (both radio and television) as a producer and presenter. He has a special interest in ecological changes at the local and international level. He is a resource person in his serving area. He achieved the World Summit Youth Award 2010 for his great contribution in electronic media.

**Rekha Saxena** is an associate professor at the Department of Political Science, University of Delhi. She did her graduate and postgraduate studies at Hindu College and earned an MPhil and PhD from the Department of Political Science, University of Delhi, India. She was twice appointed as a country co-coordinator for India on Global Dialogue Programs of the Forum of Federations, Canada. She was appointed as a member of a task force of the Second Commission on Centre–State Relations, set up by the Union Ministry of Home Affairs, Government of India. Her recent publications include *Varieties of Federal Governance*: *Major Contemporary Models* (Cambridge University Press, India, 2010) (edited), *Situating Federalism: Mechanisms of Intergovernmental Relations in Canada and India* (Manohar 2006) (authored), *Mapping Canadian Federalism for India* (Konark 2002) (edited), and *India at the Polls: Parliamentary Elections in the Federal Phase* (Orient Longman 2003) (coauthored). She specializes in the study of Indian and comparative politics with special reference to federal political institutions.

**Sangeeta Sharma** is a professor of public administration at the University of Rajasthan, India. Her works have appeared in various publications of national and international repute. Her research interests include digital governance, ethics, and sociopsychological experimentation. Her basic inclination is toward constructing the conceptual frameworks that are high in normative content. She has authored a book on organization change. The edited volume by her relates to the transformative pathways with collections from scholars around the globe on the prognosis of the future society. She is special guest editor on policy analysis for IGI Global's *International Journal of Information Communication Technologies and Human Development*. Her innovative analysis of various aspects of governance from an interdisciplinary perspective reflects scientific aptitude. Her conceptual frameworks have been well acknowledged, and she has been invited to deliver keynote addresses on her conceptual constructs at various professional forums. She is on various internal editorial boards.

**Noore Alam Siddiquee** is a senior lecturer and director of studies at the graduate program in public administration at the School of Social and Policy Studies, Flinders University. He received his PhD from the University of Manchester, UK, in 1994. Previously, he taught at the University of Dhaka, the International Islamic University Malaysia (IIUM), and the University of Brunei Darussalam. In 2009–2010, he was a senior visiting fellow at the Department of Political Science, IIUM. He has published widely in internationally refereed journals. His current research interests include public sector management and reform, public accountability and corruption, e-government, and local governance and development, with a particular focus on South and Southeast Asian countries.

**Mahendra Prasad Singh** was a professor of political science (1980–2008) at the University of Delhi. He was also the head of the Department of Political Science (1984–1987) and dean of the Faculty of Social Sciences during 1986–1987 at the University of Delhi. He also served as a director (Research and Publications) for the Indian Council of Social Science Research, New Delhi (1979–1980). Professor Singh is currently an honorary senior fellow and director of research at the Centre for Multilevel Federalism, Institute of Social Sciences, New Delhi, and the editor of *The CMF Newsletter*. He has authored/coauthored and edited/coedited more than a dozen

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books and more than 50 research papers in professional journals in India and abroad. Recent books include *Indian Federalism: An Introduction* (New Delhi: National Nook Trust India, 2011); *Democracy, Development and Discontent in South Asia* (New Delhi: Sage, 2008); *Indian Politics: Constitutional Foundation and Institutional Functioning* (New Delhi: Prentice-Hall, 2nd edition, 2011); *Indian Judiciary and Politics: The Changing Landscape* (New Delhi: Manohar, 2007), and *Pakistan: Democracy, Development and Security Issues* (New Delhi: Sage, 2005). Currently, he is contracted as country co-coordinator by the Forum of Federations, Ottawa, on a Global Dialogue Programme on the theme of intergovernmental relations.

**Krishna K. Tummala** is a professor in the graduate program in public administration at Kansas State University, Manhattan, Kansas, USA. He has written 7 books, published more than 75 articles in several areas of public administration in reputed journals and made as many presentations in national and international conferences in about 25 countries. He served on the governing bodies of the American Society for Public Administration and the National Association of School of Public Affairs and Administration and was president of Public Administration Honor Society, Pi Alpha Alpha. Among the several awards he received are the Paul H. Appleby Award for Distinguished Service to Indian Institute of Public Administration (IIPA), 2011; the Fred Riggs Award for Lifetime Scholarly Achievement in the Field of Comparative and International Administration (SICA/ASPA), 2008; the Don Stone Award from the American Society for Public Administration, for outstanding services, 2005; and a senior Fulbright fellowship in the summer of 1990.

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# *Chapter 1*

# Public Administration in South Asia

Meghna Sabharwal and Evan M. Berman

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## 1.1 Introduction

People have long found many different reasons to be interested in South Asia. Some interests are cultural, relating to traditions in yoga, meditation, and wisdom. Others are interested in South Asia for economic reasons, noting the rise of India and its contributions to the global economy in information technology, manufacturing, and services. South Asia has long been of economic interest, with trade patterns predating British, Portuguese, and Dutch colonial experiences. Some interests are also political, such as India's enduring democracy, the geopolitical significance of Pakistan, and modern-day conflicts in the subcontinent. Other interests stem from a range of social development issues, noting innovative programs in Bangladesh and well-known charitable works in India (e.g., Mother Theresa). There are many reasons to be interested in South Asia.



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Public administration is part of all this, and government actions underlie many of these reasons. Public administration has been integral to past and present achievements, and there is interest in knowing in what ways it has shaped these achievements. Today, understanding what policies and programs are made, as well as how they get to be made and implemented, is increasingly important knowledge that can be gained and transferred from other locales in the world, far from one's own. Public administration in South Asia has notable achievements from which to learn. It also has travails and failures from which there is equally much to learn. Public managers have long borrowed experiences and ideas from others. Others' conditions may vary, for sure, but there are key points and ideas to take away and use for one's self. Now, public managers may do so on a global scale.

This chapter provides an overview of public administration in South Asia. It describes the "machinery of government," how it works, and its strengths and weaknesses, and it provides examples and assessment of its impact. In doing so, we draw on the works of leading scholars of the region, and it is no exaggeration to state that nowhere else will readers find a comparative "one-stop" shopping for the topics discussed here on South Asia. Chapters of this book include public policy-making, administrative leadership, ethics, administrative reform, civil service, e-government, and much more. This information is presented in ways that allow for aggregation and comparison across countries. This chapter also goes beyond these chapters. We examine questions of governance, sometimes adding additional sources. From the aggregate of all the chapters, we find common threads and reach broad conclusions about public administration in South Asia. The conclusions and interpretation are ours, and although others might take exception, they are surely based on strong assessments of leading scholars of the region.

As regards these countries, with approximately one in five people in the world living in the South Asian countries of India, Pakistan, Bangladesh, and Sri Lanka, the challenges and opportunities to the governments and citizens of these nations are enormous. Governments in these four countries are today, more than ever, confronted with balancing economic prosperity with population growth, poverty, citizens' access to services and information, governmental openness, accountability, expansive bureaucracy, and national security. India is the second most populous country in the world (1.2 billion), but it has a literacy rate of only 61%*, and one-fourth of the population is below poverty line. Its gross domestic product (GDP) of $1.7 trillion is eighth in the world (fourth on the basis of purchasing parity),† but its GDP per capita is only $1,388 (compared with $48,386 in the United States). Although on average poor, it has a young population, with a median age of 26 years (compared with 37 years in the United States), and its middle class of 50–200 million (depending on the definition) is predicted to reach 600 million by 2030.‡ Despite concerns about having a bloated bureaucracy, it has a relatively small public sector; according to one analysis, India has 1,622 government employees per 100,000 residents, compared with 7,681 in the United States.§ Indeed, one of the paradoxical concerns about India is that its government may be too small, although, as we discuss later, most people would surely not want more of the same.

Pakistan is the sixth most populous country (190 million), with a GDP of $174 billion (47th; 28th on the basis of purchasing parity), a similar GDP per capita ($1,201), approximately

* A list of countries by literacy rate can be found at http://en.wikipedia.org/wiki/List_of_countries_by_literacy_rate.
† CIA World Fact Book. https://www.cia.gov/library/publications/the-world-factbook/geos/in.html.
‡ Standard of living in India. http://en.wikipedia.org/wiki/Standard_of_living_in_India; The middle class in India. http://www.dbresearch.de/PROD/DBR_INTERNET_DE-PROD/PROD0000000000253735.pdf.
§ Figures bust the myth that India's bureaucracy is "bloated." http://www.thehindu.com/news/national/article2843014.ece.

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one-quarter living below poverty, and a literacy rate of 62%.* Approximately 20–30 million people make up its middle class. In India, 81% of the population are Hindus, and 13% are Muslim, while in Pakistan 95% are Muslims, as are 90% in Bangladesh. Bangladesh is the eighth most populous country in the world (161 million), with a GDP of $99.7 billion (58th; 46th on the basis of purchasing parity) but with a GDP per capita of only $700; approximately one-third of the population lives below the poverty line (down from approximately 60% in the 1980s), and the literacy rate is 55%.† It has a small middle class (approximately 5–12 million) that is quickly growing. Sri Lanka is an island nation in the Indian Ocean, separated from India by the Gulf of Mannar and the Palk Strait. Sri Lanka has a smaller population of 21 million and a GDP of $49.5 billion (50th); among these countries, it has the highest GDP per capita of $2,870. Only 9% live below the poverty line. Approximately 69% are Buddhist, and the literacy rate is 94%. The forms of government of these countries are described as federal parliamentary democracy (India), federal parliamentary republic (Pakistan), parliamentary democracy (Bangladesh), and democratic republic (Sri Lanka). Bangladesh and Sri Lanka are unitary states, and Pakistan has often operated similar to one despite its formal structure as a republic.

This book is the third, parallel volume to examine public administration in Asia. The first is *Public Administration in East Asia: Mainland China, Japan, South Korea, and Taiwan* (2010), and the second is *Public Administration in Southeast Asia: Thailand, Malaysia, Hong Kong, The Philippines, and Macau* (2011). Because each covers similar topics, readers may gain even deeper, factual, and comparative knowledge of public administration in Asia. As before, chapters are guided by appropriate reminders of cultural relativism and cultural provincialism. Cultural relativism refers to the principle that activities and beliefs of other people should be understood in terms of their culture, whereas cultural provincialism refers to the danger of one's own cultural worldview blinding one from seeing other points of view. Well, try as one might to reach such standards, at least they provide constant and powerful reminders. We think it helps that the chapters are written by scholars of their respective countries, and that regarding the editorial team, one of us is of the region and the other not. We hope readers see this attention reflected in the following pages.

Approximately one-fifth of the human population lives in South Asia and is governed by its public administration, about which hitherto little has been known outside of the region and sometimes even within. The following pages add knowledge about its practices. Insofar as the conditions described below are also found elsewhere in the world, we hope this understanding also informs practices elsewhere. We know that readers in developed countries may also readily identify in their settings some features of public administration described in the following pages.

## 1.2 Historical Legacies

The Indian subcontinent (or South Asia as we know it today) popularly comprises India, Bangladesh, Pakistan, Sri Lanka, Nepal, Maldives, and Bhutan. These nations shared a common past up until the end of the British rule in 1947. The history can be divided into four periods: the Ancient period (2000 BC–AD 1200), the Medieval period (AD 1200–1765), the British period (1765–1947), and the Post-British (Independence) period (1947 to date). Public administration is a part of South Asia's rich history.

* https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html
† https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html

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### *1.2.1 Ancient and Medieval Periods*

Kautilya's *Arthashastra*, fourth century BC, is the first known Indian treatise on the subject of public administration, the economy, ethical conduct, and defense. Its 15 books are a comprehensive treatment of the affairs of state in which Chanakya (370–283 BC), as the author is also known, gives advice to Chandragupta Maurya, the ruler and founder of the Mauryan dynasty (320–185 BC). The Mauryan administration was the first bureaucratic administration in its true sense because it was hierarchical, merit-based, salaried, run by full-time employees (on the basis of written documents), and divided into departments. Mohammad Khan describes the Mauryan Empire as an "elitist meritocracy" based on loyalty to the king, similar to the political patronage in the West.

King Ashoka (304–232 BC) strengthened the administrative machinery and established the structural foundations of modern-day public administration. He reformed justice, local government, and welfare. Mishra describes that Ashoka divided the traditional administrative divisions of the empire into provinces or districts. "These provinces were further subdivided into Aharas or Vishyas, or subdivisions and Janapadas, which were further subdivided into villages. There was a clear classification of work for various functionaries in the administration who were appointed to perform the administrative work and the welfare schemes." The concept of decentralization further took root during the Gupta administration (AD 300–600), in which almost all functions of the government, except that of determining foreign policy and declaring war, were discharged through the local bodies.

The Medieval period, AD 1200–1765, saw the rise of the Mughal (also Mogul) empire after 1526. The Mughals, who came from Central Asia, had a very centralized and militaristic form of governance; its emperors are direct descendants of Genghis Khan (AD 1162–1227). They invaded from Persia and brought Islamic and Persian traditions to the region. Ahmad states that "the roots of many of the administrative institutions of present-day India and Pakistan may be traced back to Mughal rule. The Mughal administration was centered on the monarch, who, through the *Mansabdari* system (rank-in-person system of higher bureaucracy), was looked upon as the source of all advancement and honor. The administrative structure of the period was largely put together by Emperor Akbar, who combined the military and civil services into the Mansabdari system with 66 grades." Khan states that the Mansabdari system made the Mughal administration a bureaucratic organization by arranging all positions into a unified hierarchy and providing uniformity in career management. The highest officer was the *Wakil or Diwan* (chief financial officer), followed by the *Bakshi* (modern-day human resources head), the *Qazi-ul-Qazat* (chief justice), and the *Kotwal* (chief of police). Such an organization at every level, including the provinces, allowed for a system of checks and balances and a rigid hierarchy that "involved endless paper work and filing at all levels"—traditions that are still prevalent in South Asia.

The hierarchical structure of bureaucracy that is prevalent today has roots in the past. Other important legacies of the ancient period include division of society into four castes based on occupations (Brahmin, Kshatriya, Vaishya, and Shudra). Tummala notes that although initially mobility to upper echelons was based on accomplishment, over time it became rigidly ascriptive. People were locked into the caste that they were born into. Today, the caste system is the basis on which quotas for jobs and education are decided in India as well as a source of some social problems requiring policy responses (e.g., immobility of the *Dalits* [untouchables] and intercaste marriages). Another legacy is today's ethos, which has roots in the indigenous wisdom found in the ancient scriptures of Hinduism. For example, as far back as 313 BC, Kautilya noted problems of ethics: "[I]t is possible to know even the path of birds flying in the sky but not the ways

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of government servants who hide their (dishonest) income." However, Sharma notes relevant precepts, *Archet dana manabhyam*, "Worship people not only with material things but also by showing respect to their enterprising divinity within," and many other relevant wisdoms. Strong legacies from the past endure in the challenges, structures, and practices of modern-day public administration.

### *1.2.2 British Colonial Experience*

In 1612, the English East India Company, after winning the Battle of Swally against the Portuguese in the Indian Ocean, established contact with the Mughal Emperor Jahangir, who permitted the company to establish trading posts and factories in the port towns of Surat (now Gujarat), Madras (now Chennai), Bombay (now Mumbai), and Calcutta (now Kolkata) in exchange for goods and merchandise from European nations. What started off as a trade agreement eventually resulted in British rule after the East India Company won major military battles at Plassey in 1757 and Buxar in 1764, defeating the Mughal emperor, as a result of which they obtained revenue collection rights in the modern states of Bengal and Bihar (formerly Bengal Presidency) in 1765. Mishra writes that "[T]he Regulating Act 1773 was the first landmark in the transformation of the East India Company's commercial administration into a political government in the Indian subcontinent. It laid the foundation of central administration." Finally, in 1813, the trading rights of the company were abandoned, and in 1858 the administration of the Indian continent (except for Goa and Pondicherry, which were Portuguese and French colonies, respectively) came under the British Crown (1858–1947). India, Pakistan, and Bangladesh share a similar past, whereas Sri Lanka was colonized by the Portuguese (1597–1655), the Dutch (1656–1798), and the British (1796–1948).

The unlimited opportunities for trade and natural resources were very attractive to the British, who took advantage of the internal quarrels among the Mughal kings and eventually occupied the region in 1858. India was industrializing, and mass quantities of cotton grown in India were sent to the mills in England for production. Civil discontent over British purchasing policies spilled over during the Sepoy Mutiny (1857)* into rebellion involving several cities (including Delhi); this is known as India's first war of independence. The British took total control of the region in 1858. Wealth was amassed through trade and land taxes, but restricted basic freedom, banned public meetings, strict press control, authorized arrests without warrants, and detention without trials would eventually lead to the "Quit India" movement by Mohandas Karamchand Gandhi, who through nonviolent means led the nation to independence in 1947.

During the British rule, as Mishra writes, the British annexed many princely states, formed laws and policies of their own, and effectively brought the entire Indian subcontinent under their rule. For example, in Sri Lanka, Navaratna-Bandara notes, "In 1833, the entire country was divided into five Provinces, each was placed under a Government Agent and the provinces were subdivided into districts, each under an Assistant Government Agent (AGA)."† One of the

* The mutiny involved the Indian soldiers' uprising over terms of conditions, the last straw being a requirement to use tallow-greased cartridges containing beef and pork fat.

† Leitan, G.R.T. (1979). *Local Government and Decentralized Administration in Sri Lanka*. Colombo: Lake House Investments Ltd. It is interesting to note how this structure was later used for development. "Later, when the government departments established their field administrative units at the provincial level, a parallel organization of departmental field units commenced activities alongside with the Kachcheriya headed by the Government Agent. The Departments of Surveyor General, Public Works, and Irrigation were the earliest departments in the provinces."

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biggest British legacies is the civil service system, recommended by the Aitchison Commission (1866), which became the covenanted Civil Services of India. Khan observes that "a well-trained and disciplined bureaucracy helped the British Raj to sustain its imperial interests without much trouble." A very strong civil bureaucracy could override the political will of the elected governments if the viceroy or his appointed governors felt the need, whereas bureaucratic elitism helped powerful bureaucrats earn the respect and loyalty of a caste- and status-based society. The cadre service was introduced in 1923, and the covenanted civil service reconstituted as the British Indian Civil Service (ICS), the elite apex cadre. Most of the top 1,000 officials were British and were educated in the best British schools, but by 1945, more than half were Indian.* Lloyd George, Prime Minister of England (1916–1922), called the ICS the "steel frame of India." Tummala reminds us that the British steel frame left indelible marks on the current-day administration and functioning, although he also notes that "The Indian Civil Service (ICS) was neither Indian, nor civil, much less of service to India."

The Government Act of 1919 further solidified the structure of governance by establishing a bicameral legislative body based on the parliamentary model of government,† while the Government of India Act 1935 provided further regional autonomy to local politicians in British India (while maintaining forceful control by the empire's viceroy). The British introduced the federal form of government, which continues to be operational in India, Bangladesh, and Pakistan, and Mishra notes "that the secretariat, ministries, departments, tenure system, etc., are all established and nurtured by during the British regime, which is being continued even today." Beyond this, numerous infrastructure investments were made: The British introduced the railways, telegraph, and postal service, and the first railway line was built from Howrah in Calcutta to Raniganj in Bihar. Some of the biggest legacies are (i) a strong bureaucracy, (ii) structure of governance (parliamentary system of government), (iii) infrastructure (roads, telegraph, railways, and the postal system), (iv) educational system with English as the medium of instruction, (v) revamped tax system from the Mughal period, (vi) introduction of the legal system, and (vii) introduction of the popular game of cricket to the region.‡ As Mishra rightly points out, "The British regime had long lasting impact on social, political and administrative conditions in India, and the political and administrative structures implanted by them sustained in India long after their departure."§

The rise of the nationalist movement in British India, political pressures both national and international, the dire economic situation of the British after World War II, reduced economic incentives to rule, and the launch of the Quit India movement by Gandhi in 1942 were among the many factors that caused the British to leave India. Decolonization and the religious divide led to the formation of sovereign India and Pakistan in 1947. The federal form of government that the British introduced under the Government of India Act, 1935, formed the basis of India and

* Indian Civil Service. http://en.wikipedia.org/wiki/Indian_Civil_Service.

† Mishra notes that the upper house was the Council of States, consisting of 34 elected and 26 nominated members with a tenure of 5 years. Britain used the Princely States (represented in the Council of States) to offset the growing power of the native political parties.

‡ Some might argue that cricket evolved from gilli-danda originally invented during the Mauryan dynasty, and the latter is played even today by street kids. However, insufficient evidence supports this view.

§ Though one can argue that the origins of civil service in the Indian subcontinent dates back to the Mauryan period (313 BC), and that elements of its remnant past are visible in the current-day civil service (loyalty to the politicians), the structure and functions of the modern-day services were established by the British (more than 200 years ago).

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Pakistan's constitution. In 1947, Pakistan was divided into East and West Pakistan.* The Western portion is the current-day Pakistan, while the Eastern half is the current-day Bangladesh. The Bangladeshi Liberation War was fought in 1971 to gain independence from Pakistan. Bangladesh is a unitary state with a parliamentary form of government. Sri Lanka (formerly Ceylon) is a unitary state that attained independence from the British in 1948. Both Pakistan and Sri Lanka have modified (or semi-)parliamentary systems with directly elected presidents.† The rest of this chapter deals with the role of public administration in the modern and post-independence periods.

## 1.3 Powerful Bureaucracy

Authors portray strong bureaucracies in these countries that are powerful and influential in society. While the (modified) parliamentary systems of these countries should, in theory, give their elected officials considerable power and control over these bureaucracies, this has not always occurred in practice. Rather, it is accurate to state that central bureaucracies in South Asia have for long had great power to influence legislation, develop major new policies and programs, and determine the manner and extent to which things get done. Political institutions have often been weak and have not always exerted proper control or leadership over their bureaucracies. By default, then, bureaucracies are powerful in South Asia. While these bureaucracies today are a little less powerful than in the past, as is common elsewhere, they are still very able to influence and shape legislation, and their views may strongly shape policy discourse.

After 1947, India adopted socialist patterns of social and economic policy, especially in early years of post-independence, when capital was scarce and the base of entrepreneurship was not enough. Asking bureaucrats to play this developmental role obviously provided them with great powers in program development and regulation, as well as significant knowledge and access to powerful interests as well. The Indian bureaucracy was built on the strong and capable civil service from prior British rule. In this period, by all accounts, public officials were not very responsive toward political representatives, and a gulf existed between the public officials and the citizens that is an enduring legacy.‡ Mishra writes that "the establishment of democracy (in India) suffered from a major flaw in the sense that it succeeded the establishment of bureaucracy. This resulted in skewed distribution of power in favor of bureaucracy…." Bureaucracy, not politics, was the institution that was already strong and well developed, and it has often adopted paternalistic attitudes toward citizens as well.

The pattern has persisted. Developmental needs in India remain (poverty, education, health, infrastructure, etc.), and despite some public sector failures in social policy and a growing entrepreneurial sector that made neoliberal economics that reduces the role of state in economic policy possible, the bureaucracy is still very influential. Arora states that "bureaucracy often plays a subtle role in shaping policy by influencing the manner in which policy issues are organized or detailed rules are worked out. In the process, it manages to accommodate certain interests to the exclusion of certain others, thereby providing or denying them the opportunity to benefit from policy.

* The official name is "Islamic Republic of Pakistan," but the term "Islamic" is used as a cultural identifier only, not a theocratic orientation. This contrasts with theocratic governments of several Middle Eastern and African countries, such as Iran.

† By contrast, presidents of India and Bangladesh are elected by their parliaments, and their role is largely ceremonial in nature.

‡ This is surely not a necessary outcome of democratization. For example, the Taiwanese and South Korean governments became very concerned about being responsive to their citizens in post-democratization.

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Except when issues become politically contentious and active in public domain, the capacity of bureaucrats to establish or alter their substance is quite significant. Their role has been particularly relevant in respect of regulatory policy, providing a good reason for certain powerful lobbies to rely on bureaucratic support to influence policy far more than by the politicization of issues or public debate." There is no denying that civil servants have a lot of power in making and implementing policy and programs and in shaping and interpreting many rules and regulations.

Similarly, developmental needs are strongly present in Pakistan and Bangladesh, and the lack of legislative capacity is notable in these countries. Mohsin writes that a lack of professional policy entrepreneurs exist in Pakistan, as well as a lack of training for elected officials to understand the functions of their organizational portfolios, causing civil servants to enjoy "great influence in drafting and implementing public policy in Pakistan." The legislative situation in Bangladesh has been particularly fragile where the parliament is often boycotted by the opposition party for years together. Aminuzzaman notes that "Parliament has become merely the law approving body (…). The parliament of Bangladesh has gradually degenerated into a mere instrument of regime maintenance and provides legitimacy to the ruling regime to govern (…). It has failed to hold the executive organ of the state accountable." In Pakistan, the military is the strongest institution in Pakistan's political system and is a last resort for weak political institutions causing governance crises. Military regimes are common, leading to a "military–civil bureaucratic oligarchy" in a hierarchical and predominantly feudal society, according to Jadoon and Jabeen.

In addition, past judiciaries in South Asia have not controlled bureaucratic excesses, and state and local governments were not very developed and capable either, with few exceptions in India. Authors also write that a lack of local activism and community initiative-taking caused reliance on central-level bureaucracies, which are built upon a robust civil service heritage that provided strong policies, an enduring structure, a top cadre of civil servants, and practices that molded and sustained the civil service and produced a well-protected civil service with a sense of elitism and indispensability. The civil services have proven to be very enduring and nearly unchanging in South Asia.

As some authors note, one needs to understand public administration in its current socioeconomic context. In addition to globalization, neoliberal economic policy, popular access to increased information, recent growth in nonprofit organizations, and social entrepreneurship provide new approaches for furthering social policy, and in India and Pakistan there has been a rapid increase of judicial activism on policy matters. In addition, citizens have demanded greater openness, transparency, and accountability in the modern Internet age. Also, as Tummala notes, "the awe once inspired by either the Civil Servant or politician is gone. People have become active to the point where they are throwing shoes at both the politicians and administrators in open meetings."

Nonetheless, policy-making process in South Asia continues to be heavily centralized and top-down. Mohsin notes that "despite having a democratically elected government, both federal and provincial governments in Pakistan exhibit a leader-focused approach that is quite reminiscent of a dictatorship" and also that the "policy processes in Pakistan have generally been top-down in nature where central and provincial leaders, with the help of civil bureaucracy dictate policy either as a result of their own initiative or under the influence of a foreign government or international agency." A top-down focus is also seen in Bangladesh and Sri Lanka. India also has such tendencies, though state governments are increasingly important in dealing with subnational issues and have varyingly developed capacity for that. It could be said that the diffusion of capacity has devolved top-down policy-making practices to state-level settings as well.

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Finally, some authors find some evidence that a powerful bureaucracy contributed to stability as well. For example, Mohsin argues that the powerful bureaucracy that was inherited on independence, as well as the vesting of the bulk of political power in the federal government, are likely reasons "why despite undergoing several political transitions, including going back and forth between military dictatorship and different forms of constitutional democracy, the country's public policy processes remained fairly unchanged." The bureaucracy has remained unfettered by political upheaval. Bangladesh, too, has benefited from a bureaucracy that can provide services and interaction with international donors, despite parliamentary dysfunction and paralysis. South Asian bureaucracies are strong, enduring, and powerful.

## 1.4 Bureaucratic Performance

With so much power and influence, it is fair to inquire into the results of such power and performance. Several authors remark on the importance of going beyond policy statements and program efforts and instead focusing on actual outcomes as measures of performance. Of course, generalizations about performance are tenuous in the best of circumstances, but even experts of the region find it often difficult to deal with apparent contradictions. Authors tend to make two types of assessments: broad assessments that are often quite critical of bureaucratic performance, noting "systems' failures," and assessments about specific programs or projects that yield a balance of opinions, with many being hopeful or positive.

As to broad assessments and illustrating the power and role of bureaucracy, economic development and social policy are often implemented through comprehensive five-year plans. India is currently in its 11th five-year plan, developed, executed, and implemented by the Planning Commission of India. Bangladesh is in its sixth five-year plan. Pakistan developed comprehensive five-year plans between 1955 and 1999, when these were replaced by three-year medium-term development programs. By example, the 10th five-year plan (2002–2007) in India focused on many things, such as income, health, jobs, education, women and children, environment, and infrastructure. It also focused on information technology and e-governance in particular.

In theory, five-year plans provide an opportunity for steering and prioritization, building political and societal support, and coordination and harmonization among agencies and levels of government. In practice, the success of these plans has varied. Agencies often adopt lofty goals that are often well thought out, but the challenge is often poor implementation, sometimes lacking consensus and support.

As to programs and policies, Arora writes, "The influence of bureaucracy in implementation is well known and commented upon in various evaluation studies. Manipulation and distortion of programs and schemes during implementation by over-indulgence or under-indulgence have often altered and redefined the meaning of policy. Benefits not reaching the target groups because of the wrongful exercise of discretion or identification errors have also been evident in many development programs. Upon investigation, such failures have often been attributed to the inefficiency and poor commitment of bureaucracy towards policy goals." Khan also notes that the administrative system in Bangladesh has been built on laws, rules, and regulations that have in most cases outlived their utility, added to which is the tendency of civil servants to break rules in the field. Kalimullah et al. state that the "age-old and anachronistic administrative structure (is) totally unsuitable to meet the rising expectations of the people."

By example, in economic development, while countries have transformed from closed-door economic policies to more open economies, obtaining licenses and permits is riddled with red

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tape and burdensome procedures and corruption.* The World Bank recently observed that in Pakistan, small- and medium-size enterprises, which constitute 90% of all companies, are often prevented from entering the formal sector due to excessive regulations and bureaucracy; about 80% of all economic activity takes place in the informal sector.† Basic infrastructure is also often lacking, such as modern roads, reliable power, and public transportation. A *New York Times* article recently commented that with its shiny buildings and galloping economy, Gurgaon, just beyond New Delhi, is often portrayed as a symbol of a rising "new" India, yet it also presents a riddle: "How can a new city become an international economic engine without basic public services? How can a huge country flirt with double-digit growth despite widespread corruption, inefficiency, and governmental dysfunction?"‡ Some businesses and office buildings in Gurgaon provide their own electricity, bus services for employees, waste management, drinking water, and security amid dirt roads. It is commonly said that in India, businesses succeed despite their government. Likewise, Quamrul Alam notes that "external capital flows to Bangladesh have so far been limited because of deficiencies in infrastructure and trained human resources, bureaucratic hurdles and inefficient macro and micro policies that raised the cost of domestic industries (Islam, 2004)."

A similar picture is readily painted in the area of social programs. It might also be noted that the power of the bureaucracy has not been very effectively used for its self-regulation. Mishra notes that "there are a number of ailments afflicting Indian civil services like lack of professionalism and poor capacity building, inefficient incentive systems that do not appreciate upright and outstanding civil servants but reward the corrupt and the incompetent, outmoded rules and procedures that restrict the civil servant from performing effectively, systemic inconsistencies in promotion and empanelment, lack of adequate transparency and accountability procedures—there is also no safety for whistle-blowers, arbitrary and whimsical transfers—insecurity in tenure impedes institutionalization, political interference and administrative acquiescence and gradual erosion in values and ethics." Khan notes that "in their speeches, opinions as well as on paper, Bangladeshi bureaucrats strongly advocate for democracy, equity, accountability and administrative responsiveness. But in practice, they exhibit high affinity for power, money, centralized authority, unequivocal loyalty and submissiveness." It is readily envisioned how this supports and reinforces the above policy outcomes.

The apparent contradiction is that, despite above challenges, India's GDP has seen tremendous growth in the past, about 8% annually; so has the GDP of Bangladesh and, to a lesser extent, that of Pakistan. As to specific assessments, successes exist in abundance. Continuing from the above, Arora notes in an even-handed way that there are many cases of effective policy for which the contribution of bureaucrats has received appreciation, such as through the prime minister's award for excellence in public administration. Quamrul also notes successful innovative practices employed at the district level to reduce poverty, strengthen human capacity, provide mass-scale access to health clinics, settle land disputes with ethnic minorities, and use information technology for disaster management. This book contains separate chapters on e-government. While Badrul Alam notes many problems in Indian e-government, such as a lack of interest in e-government among

* After the advent of liberalization and privatization, in theory the role of the government shifted or should shift from a provider to that of a facilitator. However, there is still a long way to go.

† "Bureaucracy, regulations hinder SMEs' growth: World Bank." http://www.brecorder.com/general-news/172:pakistan/1179829:lahore-police-directed-to-ensure-arrest-of-most-wanted-criminals/?date=2012-04-20.

‡ Yardley, J. (2011). "In India, Dynamism Wrestles with Dysfunction." *New York Times.* June 8, 2011. Accessed online August 22, 2012: http://www.nytimes.com/2011/06/09/world/asia/09gurgaon.html?pagewanted=all.

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many government officials, insufficient use of existing infrastructure, separation of developers and users, and a lack of uniform standards across agencies and governments, not only are national plans developed that help make progress on these issues but also there are numerous examples of successful project and e-government applications.

Examining e-governance throws light on important capacity issues of the region. Infrastructure is the backbone of e-government, and while the state of Gujarat has won several awards in the past, only 3% of households have Internet connectivity. Likewise, Alam Siddique notes there are only 19.04 Internet users per 10,000 inhabitants in Bangladesh. For most people, computers are just too expensive, and computer ownership is only 2.25 per 100 people. Adult literacy rate is only 53.5% in Bangladesh, electricity is unreliable, and 80% of internet service providers are in Dhaka. Such huge capacity issues are unfathomable in developed countries. Yet, in such instances, inspiring cases of bureaucratic performance and innovation are to be found. Local (union) information and service centers (UISCs) are a bold attempt to bridge the digital divide and connect rural communities to the Internet. Established in all 4,501 unions—the lowest tier of local government offering services in Bangladesh—UISCs offer a range of services, such as email, word processing, printing, and scanning to access government forms, birth and death registration information, passport and visa support, and information on public examinations to health, education, and disaster management.* In addition, *Pallitathya Kendra* (village information centers) offer mobile InfoLadies who help make services available to those who cannot physically reach the centers. These InfoLadies on their bicycles carry notes, phones, and medical equipment, thus making the services available to the most disadvantaged and those in the most remote corners of the country.

In another example, Quamrul Alam notes that more than 11,000 community health clinics have been established in rural Bangladesh to improve primary health care, especially for women and children. Among the management and resource constraints are lack of electricity and drinking water in most clinics, dirty and unusable toilets and baths, absence of medical officer, leaky roofs, shortage of furniture, and low pay, BDT 5,200 ($65) per month, for community health clinic providers. Nonetheless, Bangladesh appears to be on course to meet millennium development goals (MDGs) for infant and child mortality. The maternal mortality ratio has decreased from 322 per 100,000 live births in 2001 to 194 per 100,000 live births in 2010. This program has provided immunization to more than 90% of children. The ability to provide such results with meager resources is surely noteworthy.†

Many other such examples may be found as well, both in this book and elsewhere, leading to a pertinent paradox about public administration in South Asia. On the one hand, public administration in South Asia has many shortcomings that cause neglect, corruption, and dysfunction and that produce, in the aggregate, societal outcomes that often barely satisfy or that are scarcely manageable. On the other hand, there exist untold examples of civil servants doing the right thing and producing results in critical areas, sometimes using innovative approaches. We later suggest how these contrasting assessments are consistent with a single perspective.

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* The UISCs are funded by the UNDP-A2I program and the Ministry of Local Government. To ensure sustainability, local youth run the centers and charge a modest fee for services. These centers are modeled on the successful *Gyandoot* project of Uttar Pradesh, India, hence, showing regional diffusion as well.

† In another example, the Islamic Republic of Pakistan introduced a program to curb overpopulation based on contraceptives. Though the program was banned under General Zia-ul-Haq in 1977, it was restarted in the 1980s due to political considerations and pressure from international donors. Ahmad states that "Zia himself did not advocate family planning publicly, nor did he allow effective media campaigning. He re-launched the family planning program because he was under considerable external pressure (from UNO, USAID, and World Bank). The availability of international funds for the program also increased his tolerance."

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In our own words, public administration in South Asia is a portrait of a system "on the edge," exemplifying both the good and the bad of public service to the fullest. For the lower strata of the society and the struggling middle class, it provides barely manageable conditions, though those with wealth live quite comfortably. Tellingly, Indian health spending is among the lowest in the world, about 4.2% of GDP, of which about 2.8% is private spending.* Not all of its agencies are on the brink (some are highly innovative), but many are. The state of public administration continues to forge ahead on the shoulders of a thriving business sector, while the recurring failure of government calls into question the very essence of democracy in the region. While at times over the edge, and often on the edge, public administration achieves just enough for maintaining a functioning and stable society and for ensuring success in critical economic and security endeavors.

## 1.5 Decentralization

Decentralization is an important theme in the world today. With increased economic growth and revenue bases, improved technology and its diffusion, and increased human capital through greater college and workforce participation, central (that is, federal) governments around the globe may seek to devolve subnational responsibilities and activities to state and local governments. These can now take on more tasks, perform better, and also benefit from other organizations with which they can partner, such as nonprofits, businesses, and neighboring jurisdictions (or even create their own executive agencies). In advanced economies, devolution has been occurring for almost 30 years, being an enabler, and sometimes driver, of increased local and regional development. It has often helped or allowed provincial cities to grow into internationally significant economic hubs with a high quality of life.

The chapters in this book suggest that preferences for increased local and subnational governance are of recent origin in South Asia. The central government is strong and does not give up its power easily. Devolution involves lower governments taking on more responsibilities that require consent from the central government. Specifically, in India, Pakistan, and Sri Lanka, areas of national and subnational governance are specified in separate lists, per their constitution, and while shared responsibilities are noted on concurrent lists in which both national and subnational governments participate, the federal government has a binding rule.† In short, in Pakistan, the federal government retained devolved subjects mentioned in its 1973 constitution. Amjad states that the devolutionary process effectively started in 2001 when Pakistan abolished its concurrent list. The Devolution Plan of 2001 aims to replace the local government with local governance; while substantial progress has been made only since 2010 have 18 important functions been transferred to provinces, per constitutional amendment.‡ Jadoon concludes that "political decentralization has not been adequately followed by administrative and fiscal decentralization to ensure quality in service delivery at district level."

In Sri Lanka, the central government handed over important provincial subjects to provincial councils (PCs) during 1988–1990, including supervisory control of the local government

* OECD Factbook 2011–2012: Economic, Environmental and Social Statistics. See www.oecd-library.org.

† In Pakistan, the 1973 constitution specified only two legislative lists, federal and concurrent, according to Muneer.

‡ These include special initiatives, youth affairs, population welfare, local government and rural development, education, social welfare and special welfare, livestock and dairy development, culture, tourism, food and agriculture, health, labor and manpower development of women, sports, statistics, environment, and minorities' affairs.

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institutions, but some, such as the law and order and the local administration, are yet to be assigned to PCs. Responsibilities relating to police and land have become controversial between the center, PCs, and Tamil leaders, who seek increased autonomy. In Bangladesh, policy decisions are often made at the national level, and the extent of local governance has been very limited due to unpredictable funding from the central government. Local government units do not have their own administrative establishments but use staff transferred from the field offices of national ministries, who are accountable to both local representatives and the administrative, national hierarchy. Districts (rather than provinces or states) are the main subnational administrative units in Bangladesh and are run by district commissioners who are appointed by the national government. Many local matters (such as sewer, water, engineering, etc.) are funded and sometimes managed by the Ministry of Local Government, Rural Development, and Cooperatives. Though local government in Bangladesh has been reorganized frequently, in part to promote local participation, it still remains highly centralized.*

The situation is different in India, which, since independence, has had a federal structure with 28 states and 7 union territories. There, states have long assumed responsibilities for many local issues, and only in 1992 did constitutional amendments provide for elected local bodies in rural and urban areas, thereby establishing local government; prior to that, states could shape local areas of governance through executive orders. The 1992 amendments also increased the financial and functional responsibilities of local government, providing obligatory and discretionary duties that include planning for economic and social development, urban planning and land use, ecology, health, education, public works, animals (cows), and burials. India has a long history of intergovermental relations (IGR) between the center and states. Saxena describes six periods of executive federalism, and since 1989, IGR has become increasingly competitive due to the increased presence of coalition governments in Indian politics, which require a stronger measure of accommodation, both nationally and between the center and the states. In India, prior periods of IGR, that were characterized by top-down (national) coercion or negotiation within a nationwide dominant Congress party, are gone. Amjad notes a similar trend in Pakistan due to political factioning.

It is not entirely clear to what extent the current period has led to a shift in activity from the center to the states in India, but examples exist of increased state and local capacity in India. By broad assessment, money matters in IGR, and by one measure, the states' (vs. center) relative share of total public revenues and expenditures has remained fairly constant since independence at approximately 43% each, according to Saxena. Yet, the total pie has been growing, and using specific assessment, there are more than just a few instances in which cities or states have increased their global significance. For example, Bihar is one of India's poorer but fastest growing states in 2012, and one report notes: "With the Bihar government taking up road building and other construction work in a big way, and with the state's law and order situation improving, consumers who were earlier wary of flaunting their wealth are now buying cars and bikes at an unprecedented pace. Rural demand too has got a boost with agricultural productivity rising for several crops, with an improvement in connectivity and state-funded programs for education, health and livelihood."† Many other states and cities, some well-developed like Hyderabad, have also made their mark.

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* Panday, P.K. (2006). "Central-Local Relations, Inter-Organisational Coordination and Policy Implementation in Urban Bangladesh." *The Asia Pacific Journal of Public Administration, 28*(1), 41–56.

† http://articles.timesofindia.indiatimes.com/2012-06-02/india/31983641_1_bihar-government-tamil-nadu-india-s-gdp

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However, some authors also note limited local citizen participation, and variable interests by civil societies are not always strong in South Asia. Ahmad notes that the lack of bottom-up processes is not necessarily because of central control but lack of initiative from grassroots organizations. "All the three programmes (V-AID, Basic Democracy, and Devolution Plan) failed to mobilize the people at the grassroots level for self-help and cooperative development effort." He concludes that "Pakistani experience shows that democratic local government system can provide an opportunity to the people to elect their own representatives but it, by itself, cannot empower the people at the grassroot level." Corruption by local interests also limits local governance and citizen participation.

Decentralization may also serve political and social justice purposes. Pakistan has a small number of provinces (four), but each contains large and diverse populations comprising ethnic and cultural groups. Decentralization helps develop new institutions that bring effective governance down to these levels. Tamil leaders argue the same, though many fear it as a pretext for pursing separation and independence. In India, larger states such as Uttar Pradesh (UP), Bihar, and Maharashtra have fought for creation of separate states of manageable size, resulting, for example, in the formation of Uttranchal from UP and Jharkhand from Bihar. However, the separation of states is often marked by religious, tribal, and ethnic divisions, which are decidedly viewed as "anti-federal." In recent years, formulas for allocating federal transfers to states include population size as well as poverty and income disparity as relevant measures of social justice, along with state size (or inverse population density) and tax collection/fiscal discipline.*

In short, decentralization is picking up momentum in South Asia, albeit belatedly, due to a reluctant center, and not yet with many clear results. Surely, other countries such as South Korea, Japan, Taiwan, and mainland China, which have also had strong central governments, have sought decentralization with earlier and greater vigor as a national priority. A modern paradox is that neoliberal policies that seek to reduce the role of the public sector often increase total public expenditures by pushing work downward and thereby building up new levels of government, while developmental approaches may limit the development of local government, and thereby local development, by reinforcing central governments.† It is the case that while economic growth of South Asia has greatly benefited from neoliberalism, processes of decentralization are only now, and often haltingly, occurring.

## 1.6 Corruption

Corruption is strongly present in the culture and public administration of South Asia. "Corruption is pervasive in all walks of life and some say it is the way of life," writes Sharma about India. Jafri writes that "the ethical climate shows rampant corruption at all levels of social structure (and) ethics culture in Pakistan is extremely poor in terms of running the affairs of state." Corruption is deeply ingrained in Bangladeshi society, and Monem writes that most of the problems in public administration emanate from corruption. Corruption is deeply entrenched in the South Asian society, and corruption affects its public administration. The breadth of corruption in these societies is well known. For example, according to 2011 statistics by Transparency International,

* In Pakistan, the combined weight of these non-population factors is 18% of total allocations.

† It might also be noted that, under neoliberalism, a strong central government is often replaced by an even larger workforce that directly or indirectly worked for the public sector. The per capita number of public employees is larger in the United States than in India, but this may also reflect a more limited development capacity in India.

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Sri Lanka ranks 86th, India 95th, Bangladesh 120th, and Pakistan 134th on the Corruption Perception Index measured for 183 countries across the world.* Authors note how pervasive corruption undermines government's legitimacy and effectiveness, killing the development spirit, reducing economic growth, and causing citizen distrust.†

*Corruption* is defined as the abuse of public power for private gain or profit, and public administration provides ample opportunity for corruption at all levels. At the service level, citizens may be required to pay a bribe or favor for services to which one is entitled; without it, the service or permits are not provided as they should be (or, perhaps, are excessively delayed). Where fees and fines are collected, skimming and nonissuance are available. At middle levels, favors or money may be demanded for implementation or nonimplementation of regulations, personnel decisions (including favoritism and nepotism, as well as transfers), contracts and bid specifications or opportunities, and audits and evaluations. Regulations are implemented in complex ways that increase corruption prospects. At senior and top levels, interactions with politicians and political parties provide infrequent but lucrative opportunities in connection with rule-making, policy implementation, economic promotion, audits, and major purchasing programs to favor private interests. In Bangladesh, *tadbir* is defined as "personalized lobbying to influence an administrative decision or action flouting formal rules or abusing discretionary administrative power," and ministers, members of parliament (MPs), and powerful bureaucrats are considered effective *tadbir* makers.

The chapters in this book provide many examples, typically at the low and top levels that have drawn popular attention.‡ At low levels, Monem provides a detailed list of illegal fees for trade licenses, import/export registrations, electricity and gas, and environmental permits, which often double or triple the official fee. According to Transparency International, in Bangladesh, 66% report paying bribes to public institutions, followed by India and Pakistan, with 54% and 49%, respectively, mostly to gain access to services that they are entitled to.§ In Bangladesh, most common are bribes to judicial agencies (88%), law enforcement agencies (79.7%), land administration (71.2%), and taxation (51.3%).¶ Customs officials are among the richest of government officials, as bribes are needed for carrying goods, even within permissible limits. In general, corruption is implied, and public servants seldom overtly seek favors. Rather, service seekers typically initiate the

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* http://cpi.transparency.org/cpi2011/results

† Frisch, D. (1994). *Effects of Corruption on Development in Corruption, Democracy and Human Rights in West Africa*. Cotonou: Africa Leadership Forum; Newton, K. and P. Norris. (2000). "Confidence in Public Institutions: Faith, Culture, or Performance?" in *Disaffected Democracies: What's Troubling the Trilateral Democracies*? S.J. Pharr and R.D. Putnam (Eds.). New Jersey: Princeton University Press: 52–73; Blind, P. (2006). Building Trust in Government in the Twenty-First Century: Review of Literature and Emerging Issues. Report presented at the 7th Global Forum on Reinventing Government Building Trust in Government. UNDESA. Monem also notes that about 1.4% of the annual GDP and 8.4% of the annual national budget has been lost to bribery in recent years in Bangladesh, but these are direct costs only. The collusive nature also undermines efforts to deal with corruption in the private sector and other problems noted in the text. In short, corruption has a high cost by what is done, and what is not done, relative to other countries and one's own needs.

‡ According to Sharma, an Indian Ministry of Personnel background paper in 2012 observes that graft is prevalent at all levels of government: "At senior levels, it (corruption) is usually a result of strong nexus between politicians and civil servants and, at lower levels, it is a result of poor systems and ill-defined public service levels."

§ "South Asia: Corruption plagues daily life." http://www.transparency.org/news/pressrelease/20111222_south_asia_corruption.

¶ According to a small-scale study, the average small bribe in India is about $20, and about 14% of people reported paying $5,000 or more, with 1%–2% being in excess of $100,000. http://www.worthview.com/india-corruption-bribery-report/.

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bribe or favor motivated by their understanding that it is the most efficient way of accomplishing their interests and needs. Bribes are seen as "speed money," and favors may involve such matters as offering help on school admissions for one's children. Some posts in departments, like police, tax, customs, roads and highways, land, and so on, are especially lucrative, and for getting these postings one has to use connections with political leaders or any other influential persons, or spend significant money, which is an investment for making illegal money.* The chapters on India and Pakistan offer many other examples, varying only in extent.

Jabeen writes that in Pakistan, in the corridors of high power, politicians use civil servants for realizing their political and personal interests, which in turn encourages a culture of corruption, nepotism, red-tapism, and favoritism. Jafri calls Pakistan Railways a "paradigm of corruption" and discusses a major scrap metal scam by Railways Minister Bilour involving public officials. Political corruption causes public officials to be accountable to private interests. In India, some recent, large scams are the $37 billion 2G spectrum scam, which involved the former telecom minister Andimuthu Raja and government officials illegally undercharging cell phone service providers for frequency allocation licenses. Bidding rules were manipulated, and companies were given just a few hours to provide their letters of intent and checks; those allegedly tipped off by Raja already had the requisite documents.† The 2010 Commonwealth Games in New Delhi, India, were rife with corruption charges and scams. Suresh Kalamadi, the president of the Indian Olympic Association (IOA), was charged with misappropriation of funds and arrested in April 2011 on corruption charges.‡ Scams are also noted by Sangeeta Sharma in her chapter on ethics in India. Jabeen states that "bureaucracy and political regimes of Pakistan work for benefits of themselves not for the common people living in the society," and in an interview, Hasan Chowdhury, former chairman of the Bangladesh Anti-Corruption Commission, states: "I'd say 80–85 percent of politicians would be corrupt—stinking corrupt" (*International Business Times*, June 4, 2007).§ All this leads Amjad to tersely inquire "(t)he troubling question of whether the rule of law and the rule of democracy are mutually reinforcing values or competing values."

To some extent, this shows public administration as a reflection of society. It is common to add a percentage to bills to pay for petty corruption costs. For example, when a contractor submits his/her bill after completion of work, he/she has to pay certain percentage of money, which is popularly known as PC (an abbreviated form of percentage). Generally, the range is between 2% and 10% of the bill. In many cases, government officials themselves cannot escape from paying bribes for their personal bills. Nonprofit organizations are known to skim off government contracts, bribe officials for contracts (kickbacks), and under-provide promised services. In business, one does not get ahead without taking care of individuals, in such personal ways as relating to their

* A recent survey in India shows that 53% of civil service employees strongly disagree/disagree with the assertion that "the postings to important posts/sought after stations in my service/cadre take place on basis of merit." Civil Services Survey—A Report. (2010). Government of India Ministry of Personnel, Public Grievances and Pensions Department of Administrative Reforms and Public Grievances. Accessed online March 28, 2011, http://darpg.nic.in/darpgwebsite_cms/Document/file/Civil_Services_Survey_2010.pdf.

† http://en.wikipedia.org/wiki/2G_spectrum_scam

‡ Chakrabarti, S. (2010). "India's Commonwealth Games Mess." *Time* World Report. August 26, 2010. Accessed online August 12, 2012: http://www.time.com/time/world/article/0,8599,2013182,00.html.

§ The former president of Pakistan, Asif Ali Zardari, who is also co-chairman of the Pakistan Peoples' Party, is sought by the Supreme Court of Pakistan in many cases of corruption and money laundering. Of course, publically known major scams are just the tip of what are considered widespread and common practices at all levels.

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family members, housing needs, and so on. To a large extent, corruption is a way of life in South Asia, as it has long been.*

### *1.6.1 Causes and Responses*

The authors note several causes of enduring corruption in public administration, among which lack of pay and culture of impunity are commonly mentioned. In Pakistan, public sector salaries are 60% lower than in the private sector, even excluding nonwage benefits, and the lack of income opens the door to corruption. At upper levels, this opens the door to corruption by political parties.† At lower levels, it makes additional income necessary. By example, on average, a police constable in India makes between Rs. 6,000 ($120) and Rs. 12,000 ($240) monthly, varying by state. The authors conducted a small survey among constables, head constables, and subinspectors in a major regional city in India. Among respondents, 54% disagree that their current salary meets basic family needs, including education, caregiving, and savings for retirement. A common reason is that 81% of respondents are also responsible for caregiving to their parents and 68% for caregiving to their extended family. In addition, some jobs require large payments, as noted, which drive corruption further. Other authors also link pay insufficiency to bribery in developing countries.‡

Authors also note a culture of impunity and acquiescence. As Monem writes, "many in power do not expect to be held accountable for their actions."§ All countries in South Asia have advanced ethics laws and regulations that are detailed in their offences, procedures, and punishments, and we refer to the chapters about these, but laws and regulations are not implemented, and often additional laws are passed limiting the investigative research and independence of ethics accountability agencies. Sometimes, approval may be required from the executive for actions against civil servants or from the judiciary for actions judges. In the above example of the Commonwealth Games, Kalamadi was released and reappointed as the president of the IOA. In addition, petty corruption is to a varying degree institutionalized. Trade unions protect corrupt workers, and politicians protect the unions. In some cases, public managers are complicit; in Bangladesh, "system losses" by utilities generate millions in black money. Finally, superiors turn a blind eye for minor favors within unstated boundaries of impropriety that do not interfere with one's official duties, in a broad sense. Such corruption is seen as "need based" rather than "greed based."

Some authors also note that while indigenous religions and wisdom profess high regard for moral rectitude, religion has little impact on corruption. Jafri writes that "Islam condemns corruption in its all forms, bribery, embezzlement, fraud, extortion, and favoritism. Nonetheless, its influence on corruption is minimal. In Pakistan, there seems cognitive dissonance as people at

* Indeed, the evidence of past corruption is strong (e.g., Kautilaya, 313 BC, op. cit), and there is scarcely any evidence to suggest that it is worse today.

† Tummala in his chapter notes a point of leverage: "Frequent transfers are not simply a punishment for the officer, but also trauma to the family. Instead of going through this, it is easy for the officer to acquiesce to all sorts of political demands, and even join hands with the political masters to make life pleasant, and even bountiful."

‡ Joshi, P. (2005). "Political Governance System and Corruption in India." *Asian Tribune,* 11(489). Accessed online August 22, 2012: http://www.asiantribune.com/news/2005/12/26/political-governance-system-and-corruption-india; Ray, B. and R. Ghosh. (1996). "India: Can Development Survive Corruption and Graft?" *Asian Studies Review, 19*(3), 36–41; Tanzi, V. ed. (1998), Corruption Around the World—Causes, Consequences, Scope, and Cures (e-pub) (Trans.), International Monetary Fund.

§ Kalimullah et al. likewise state, "The large scale nonimplementation of existing rules and regulations has created an environment of laxity."

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large profess Islamic ethical code of conduct, but practice corrupt unethical ways in everyday life by calling it 'worldly wisdom' … corrupt bureaucrats may be admired by their colleagues for having acquired worldly wisdom, success and prosperity." *Dharmaśāstra* (a Hindu scripture detailing a moral code of conduct) also offers many guidelines. Sharma notes some indigenous wisdom in her chapter, such as *Atmano Mokshartham, Jagat hitaya cha*: All work is an opportunity for doing good to the world, and *Archet dana manabhyam*: Worship people not only with material things but also by showing respect to their enterprising divinity within, and many others. What impact do these have? Jafri also notes that "the ethical measure to combat corruption is confined to sermons on moral values delivered at all training organizations of government as well as in private sector." Ethics training is given low priority, as it is taken for granted that people already have knowledge of ethical values as they have been sermonized by religious preachers. But this presumption has not been proved valid as "government employees from top to bottom adopt unethical practices leading to outright corruption, (and) sermon is not converted into service."

A very significant development in South Asia is the passage of right to information laws. In India, a grassroots movement, initiated by a social activist of the Gandhian era, Kisan Baburao Hazare (aka Anna Hazare), helped the formation and passage of the Right to Information (RTI) Act in 2005. RTI empowers an ordinary citizen to question and seek information from the state bureaucracy. Earlier, citizens were largely helpless against the administrative state that shielded itself by the Official Secrets Act and under the cloak of "ministerial responsibility." RTI has been used by citizens to expose several cases of corrupt practices in India, demand information on land records and entitlements, expose irregularities in the political, economic, and judicial systems, and seek redress in instances of human rights violations. This act has also put brakes on inefficient and corrupt bureaucrats.* In India, RTI uniquely applies to all branches of government. The act requires the information demanded to be released within 30 days, barring which there are fines of Rs. 250 ($5) per day with a maximum of Rs. 25,000 ($500), which is deducted from the salary of the principal information officer (PIO) "for not accepting applications, delaying information release without reasonable cause, and providing incomplete, in correct and misleading information."† Basu concludes that "the 'voiceless' poor have been given a voice through RTI." Tummala also notes that "there is the new Public Interest Litigation (PLI), which permits any one to drag any official to court."

Bangladesh passed the RTI in 2009 under persistent demands of media, international agencies, and the political will of both the Awami League (the current ruling party) and the caretaker government preceding it. The Awami League used the passage of RTI as its key election manifesto. Political parties use RTI as a tool to keep in check the activities of the opposition party and vice versa. The media also serves more as a watchdog, though some journalists have faced violence, and media workers need "to accommodate hidden guidelines of their owners with regard to supporting ruling or opposition parties." In Pakistan, the first RTI law was passed in 1997, and later in 2002, an ombudsman was created that redresses public complaints. However, public awareness about the RTI is low, though the civil society (such as the Consumer Rights Commission of Pakistan) is better informed. According to Muneer, the tendency of government bureaucracy to hinder easy

* Some say that it may also have stopped bureaucrats from making decisions to advance projects, as failure could become publicly exposed, but a counterargument is that bureaucrats have become adept at working around, by writing less and by diffusing, displacing, and using shared responsibility (e.g., committees).

† As part of a research project, we were required to submit an RTI request for obtaining contact information of officials. We experienced some technology and attitude barriers. One of us had to fax the same request up to six times due to the fax machine breaking down; the fax being illegible; the fax not being transmitted; and, finally, the fax being lost in government paperwork.

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access to public information and records shows no sign of diminishing. Sri Lanka has not adopted a RTI bill. Earlier, it established an ombudsman and the Human Rights Commission, but their performance in fields of fundamental rights is far from satisfactory. According to Navaratna-Bandara, "these institutions have failed to gain confidence among the people because of their inability to provide legal redress. Therefore critiques have labeled these institutions as 'ornaments of the state.'"*

In conclusion, corruption is an omnipresent and critical topic in South Asian public administration. Building on chapters from other countries about ethics in this book series, we find anticorruption efforts in South Asia lagging relative to some other Asian countries that demonstrate strong political will as the key driver of successful anticorruption efforts. Varyingly, political will has been prompted by public outcry (Hong Kong) or leaders' foresight (Singapore), while being sometimes focused on narrow economic (South Korea) or public safety (China) interests. Chapters in this book are consistent with this received understanding in so far as they show the lack of political will being associated with a lack of anticorruption efforts. Only recently have haltingly some initial steps been undertaken due to public or donor demands upon political leaders.†

## 1.7 Administrative Reforms

Administrative reform concerns process of change to administrative structures and procedures that, in developing countries, is usually done to meet modernization efforts and expectations for social and economic transformation.‡ Much of the push for current-day reforms in South Asia is a result of globalization and the move toward privatization and deregulating the markets. The reforms of the Western world often serve as an impetus (and often a strain) on developing economies to reform and include additional focus on decentralization, social equity, and empowerment. The rising aspirations of the middle class result in further demands for economic, political, and social reforms in South Asia.

Jadoon discusses models of development associated with administrative reforms. In short, for much of the 1945–1990 period, the main thrust of administrative reforms in "development administration" was to increase the capacity of the state bureaucracy, and use traditional public administration methods to plan and execute development projects, and use foreign aid efficiently and effectively. This model bureaucracy as an instrument of the development state. In the 1990s, a new model of "development management" found favor that mirrors a neoliberal and new public management orientation with emphasis on reducing the role of the public sector (e.g., through privatization), using incentives rather than regulations and increased customer orientation. In recent years, "development governance," which synthesizes both models and adds additional consideration that government is only one of the players in the governance process along with the private sector

* Iqbal, M.C.M. (2011). "The Ombudsman of Sri Lanka—A guardian of rights or an ornament of the state?" Available at: http://www.ruleoflawsrilanka.org/resources/writings-of-m-c-m-iqbal/the-ombudsman-of-sri-lanka-a-guardian-of-rights-or.

† In the interim, the reality of corruption in South Asia does not allow for easy prescriptions, and none of the authors offer any. The reality of low salaries means that enforcement of total prohibition of corruption is infeasible at this time, as it would deny the possibility of public service for most employees and managers. Without these workers, there is no public service. South Asia surely also provides a learning opportunity for managing in these environments in which one-fifth of the human population resides. It seems quite common in the world, actually.

‡ Farazmand, A. ed. (2002). *Administrative Reform in Developing Nations*. Westport, CT: Praeger.

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and civil society, has emerged. Persistent social, urban, environmental, and economic (poverty) problems draw attention to the need for collaboration and joint governance among sectors. All these matters are raised in South Asia, but implementation and change are quite modest at best.

Singh discusses two notable, high-level attempts in India. The Administrative Reforms Commission-I (ARC-I) was the first post-independence committee of experts to assess the administrative machinery of the nation. ARC-I was appointed in 1966 by the prime minister, and ARC-I includes sitting MPs. Twenty reports were submitted with about 680 major recommendations that mostly dealt with the need for specialization in government services; unified grading structure; and the process of recruitment, conduct, discipline, and service conditions of civil servants. Most remained largely ignored during the increased political and administrative centralization of the 1970s and 1980s. In 2005, Prime Minister Manmohan Singh appointed ARC-II to "suggest measures to achieve a proactive, responsive, accountable, sustainable, and efficient administration for the country at all levels of the government." ARC-II recommendations include implementation of the RTI Act and establishing a Lokpal (ombudsman), which was originally recommended in ARC-I but not implemented. Despite colossal efforts by several committees and hundreds of recommendations, Singh concludes that "India's record of administrative reforms is shown to be glacial and unimpressive. This is attributable to the vested interest of the political and bureaucratic classes, the weakness of the class of bourgeoisie, fragmented electoral mandates and divided governments." Indeed, only under popular pressure ignited by Anna Hazare was the Lokpal Bill passed in 2011. Anna Hazare recently announced his interest in forming a political party, causing some to ponder whether change in India may require one to run for office and form a new political party.

Pakistan has undertaken many reviews of its administrative machinery.* The newly independent country was acutely aware of the inadequacy of its administrative manpower. Jadoon writes that between 1947 and 1972, various reform commissions made recommendations that mostly focused on reforms of the civil service. However, no major recommendations for structural change were implemented, except for establishing training institutions and creating semi-autonomous bodies and state enterprises. Pakistan joined the International Monetary Fund's Structural Adjustment Program in 1981, focusing on privatization and reducing the size of government, and became a major recipient of World Bank loans. Since 1999, a "flurry of reforms" have been undertaken, including devolution, local governance, creating a Civil Service Reform Unit (CSRU) in the Establishment Division, strengthening the anticorruption agency, setting up autonomous regulatory agencies, reform of the budget and auditing systems, and more. However, progress in each area has been slow and limited. Jadoon writes that "the bureaucracy, specifically the top layer of central superior services, is well entrenched and considered as a major force resisting any structural reform which may involve lowering its status and prestige.... Any reform initiative which comes as 'shock therapy' that is not owned by the bureaucracy is either bound to fail or get modified and diffused." Reform in Pakistan is seen as requiring major and sustained top leadership by the president. As regarding prospects for newer joint governance efforts, he notes that "creating such shared power and synergy poses formidable practical challenge in many developing countries, including Pakistan, in which corruption, distrust, entrenched self-interest and insufficient capacity and shared vision are

* He also notes that American scholars visited the country and did the reviews, and these reports had great impact on top leaders' thinking. It might be noted that many American scholars visited Asian countries in the 1950s, and also that the US government contributed to building several public administration centers and programs, some of which remain today, such as in Taipei. The visits by Riggs and Appleby to New Delhi are also well known, as were US visits to the Philippines and South Korea. These are further examples of development administration of that era.

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common." Chapters show an abundance of reports in South Asia, often emphasizing various strategies of development administration and management but not always much implementation that is successful. There are also some current efforts at joint governance in local government.

When Bangladesh became independent, it created the Civil Administration Restoration Committee in 1971 to improve its civil administration. It abolished the elite care and created a single classless grading structure covering all services in 10 grades. The National Pay Commission was also created to suggest appropriate pay scales, and pay continued to be the subject of several committees over the years. There have also been efforts to improve decision-making processes by reorganizing ministries and scaling down the layers of decision making. Kalimullah et al. also discuss reports prepared by external agencies such as US Agency for international development (USAID) and the World Bank. They note that "over the years, Bangladesh adopted institutional, structural and functional reforms in its public administration in order to improve performance in terms of efficiency and quality. The introduction of New public management (NPM) practices is one of them. But it is half-hearted…. Reform initiatives have frequently failed because these efforts promoted technical solutions when, in reality, the main obstacles to improve public administration are socio-political in nature," referring to pervasive patron–client relations and the degree of politicization of the civil service. In short, corruption is seen to prevent administrative reform in Bangladesh. Naratna-Bandara states, regarding Sri Lanka, "due to the half-hearted implementation of reforms that were attempted since independence, the country has to work with a system of public administration which has been identified as 'unfit' for the role assigned to it in the political system."

These are clearly difficult assessments but, as before, positive instances exist. For example, while none of these countries are leaders in e-government, they increasingly adopt information and transaction-based services. In Bangladesh, Kalmullah et al. note that a "One-Stop Utility Bill Payment System" was established in 2003 and e-governance recommendations by the Public Administration Reform Commission were adopted. Alam assesses that e-government in India has resulted in "significant improvement in monitoring and implementation of various government schemes and projects," resulting in "bringing accountability and transparency in government" and "improving quality of life for citizens in rural and urban settings." This has brought considerable improvement. Anecdotally, the author remembers standing in long lines every summer to buy railway tickets to visit her extended family. The length of the lines was measured in hours. Paying utility bills was equally daunting, requiring long visits to government offices and staying hours in line to pay one's bills. Today, many citizens truly enjoy the ability to pay their utility bills online; apply for passports; arrange visa interviews; and buy bus, rail, and airline tickets all at the click of a button. This example also draws attention to the fact that the target is not the civil service or anything that might lower its status and prestige. Also, top leaders championed these initiatives, and many managers in agencies came to support them; these efforts are indeed owned by the agencies.

To us, a portrait of overwhelming mediocrity of public administration exists in South Asia. Research shows that excellence typically involves top leadership that provides vision and support for systemic and progressive change that, in this section and the previous, has been shown to be absent and often compromised. In mediocre agencies, such vision and support from the top is absent.*

* For research, see Berman, E. and J. West. (2003). "What Is Managerial Mediocrity? Definition, Prevalence and Negative Impact (Part 1)." *Public Performance & Management Review*, *27*(2), 7–27. The companion article, Berman, E. and J. West. (2003). "Solutions to the Problem of Managerial Mediocrity: Moving Up to Excellence (Part 2)." *Public Performance & Management Review*, *27*(2), 28–50, also provides empirical evidence on the association between mediocrity and inattention to ethics. These articles define managerial mediocrity as having only a modest commitment to the contemporary values and practices of public administration. Not much literature exists on mediocrity in public administration.

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Mediocrity is also associated with a lack of attention to ethics, allowing corruption to flourish. Of course, not all offices in "excellent" agencies perform excellently, and not all offices in "mediocre" agencies perform in mediocre ways. Public service motivation and innovation occurs everywhere, and authors pointing to these as cases, sometimes in a heroic fashion, alongside systematic failures and lack of progressive management, is further support for a view of mediocrity prevailing.* It might be said that excellence and mediocrity occur on a scale, allowing for intermediate states to exist, and a 2011 survey, conducted by the authors among public managers in central and state governments in India, found that two-thirds of respondents agree that they are expected to follow the suggestions of their superiors even when they know better ways. Some authors also portray poor performance that has led to widespread petty corruption and poor, uncaring service. Mediocre public administration produces just enough to stave off major outcries and embarrassment, have programs that provide but do not inspire, and produce some excellence, too. The lack of administrative reform from the top leaves few other outcomes possible.† The previously mentioned contrasting assessments of bureaucratic performance are consistent with a single perspective of mediocrity prevailing in public administration in South Asia.

## 1.8 Civil Service

The civil service is the backbone of public administration, and the authors herein provide a broad picture of the civil services in these countries. The civil service in South Asia is a key legacy carried forward from the British. Post-independence in 1947, the inherited Indian Civil Service (ICS) became the All-India Services, providing administrative leadership to central and state governments, which have separate civil service systems. The All-India Services includes the Indian Administrative Services (IAS), the Indian Foreign Service (IFS), and the Indian Police Service (IPS). The IAS is an elite corps, comprised of about 5,000 officers who serve in many top posts of India's state and central government agencies, overseeing about 8–10 million civil servants. In Pakistan, the ICS likewise became the All-Pakistan Civil Service, providing administrative leadership to its central and provincial governments. In Sri Lanka, the inherited Ceylon Civil Service became the Sri Lanka Administrative Service in 1972, which includes the All Island Services for executive cadre positions and a separate Department Services. In 1988, Sri Lanka established a Provincial Public Service. Bangladesh followed a different path in 1971 by abolishing the separate, elitist executive administration and integrating it as a top level of its Bangladesh Civil Service, which also staffs subnational districts and many key positions in local government. We estimate that about 12–13 million civil servants today serve in systems that have their roots in the ICS.‡

All authors discuss at length the examination-based recruitment processes of the civil service. Tummala quotes that "even the worst critics of the higher civil services would concede that the competitive examination and interview based selection process for the AIS (All-India Services) is

* Earlier, we stated that "public administration achieves just enough for ensuring success in critical economic and security endeavors." In a mediocre organization, excellence often comes from a few excellent managers and political executives who focus on a few critical areas of concern.

† Even causal observation sometimes supports a view of mediocrity. One commonly sees central government offices that lack automation in which paper files are visually seen to inundate overflowing book shelves and almirahs (cupboards) and clerks bring loads of files on pushcarts through dark and poorly maintained hallways from central storage. To "blame" this state of affairs on development (lack of resources) is not credible, given the economic growth rates and massive corruption in South Asia; neglect and a lack of priority are equally important.

‡ India 8–10 million, Pakistan 2.4 million, Bangladesh 1 million, and Sri Lanka 0.5 million (estimated).

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fair and merit based." The demand for entry into the IAS is immense. Exam applicants must be between 21 and 30 years of age and have university degrees. In India, 409,000 applications were received for examinations in 2009, of which 193,000 appeared for exam parts, and 12,000 passed with the required score. Among these, 2,431 were recommended following interviews, and 875 were actually offered a posting. India has a caste system, and a quota of positions must be filled by those in "reserved" categories. To facilitate this, general merit applicants are permitted only four attempts, but there are no limits for "scheduled castes and tribes." And about one-third of the candidates from the reserved categories made eight or more attempts. Tummala writes that almost every Indian child is goaded by parents to aspire for the IAS, and although recently private sector jobs are preferred for "fat" pay, no job comes close to the IAS for prestige and élan. Pakistan has a similar process. In 2007, 7,066 candidates applied for the exam, 4,125 appeared, 275 were qualified on the written test, and 180 were allocated to different occupation groups following the oral interview and a psychological test.

Given various problems of politicization, a lack of reform, decentralization and top leadership, low pay, and corruption, one wonders how these conditions affect its policies and practices. While all civil servants are required to take a test and pass it, 90% of all allocations to occupational groups are filled on a quota basis (based on province), reflecting that patronage rather than high scores is the determining factor. A retired chief secretary states that "the quota system should be renamed the ministers' quota system" since seats are normally allotted to supporters.* In Bangladesh, among the executive and administrative officer classes (I and II), 45% of candidates are chosen from the merit list, and the remaining 55% are reserved for the district quota that is allotted among 64 districts of the country. The district quota is again divided into a freedom fighter quota (30%), a district merit list (10%), a women quota (10%), and the tribal quota (5%). Khan notes the ripple effects. Not only does selecting second- or third- best candidates deny the services of some of the best and brightest, quota systems at higher levels also reduce promotion opportunities for merit-based appointees, causing tensions and low productivity. They also require that tax money be spent on salaries and other benefits for quota recruits whose productivity is suspect.

The politicization of the bureaucracies is a common thread that runs through all the civil services in the region. Civil servants are promoted and given favorable positions based on their perceived support for incumbent politicians and parties, while those who are supportive of opposition political parties are punished through being denied promotions, forced into retirement, or being posted to unimportant offices. Fearing the latter, bureaucrats in high positions may do much to keep the current party in power. Honest civil servants have a difficult situation. In Bangladesh, a local MP from the ruling party repeatedly created pressure on the deputy commissioner (DC) to recruit his party men into an important administrative district. The DC refused to give in to the pressure and arranged for a competitive selection test. On the test day, the party men of the MP vandalized the test venue and physically abused officials. Instead of handing down punishment to the MP's men, the government withdrew the DC, the superintendent of police (SP), and additional deputy commissioners of Pabna (a town in Rajshahi district of Bangladesh) and made them officers on special duty (OSD).† Political influence is exercised through illegal favors and intimidation of

* Siddiqui, S. (July 17, 2012). "Revamping the Civil Service: 'It's Time to Reconsider Quota System." *The Express Tribune*. Accessed online August 22, 2010: tribune.com.pk/story/409258/revamping-the-civil-service-its-time-to-reconsider-quota-system/?print=true.

† OSD is considered a punishment in the administration. This refers to officers who have no office because they have been withdrawn from their offices by the government.

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civil servants. Human resources management is a tool of corruption among politicians in South Asia and a potent reminder of the benefits of political neutrality put into practice elsewhere.

All in all, the chapters in this book portray a system that recruits some of the very best talent at the top, and then allows it to be improperly used in outdated management practices that are subject to potent corruptive forces. Honest and efficient civil servants will inevitably either (1) accumulate frustration and become less productive, reduce standards of honesty, and engage in immoral administrative politics to secure their interest (2) exit the service, or (3) not join in the first place. Jadoon and Jabeen note that civil servants who break the status quo and try to implement rules effectively "suffer pressure from the regime, and most often compromise in order to safeguard their careers."

The status of the civil servant in society is still respected insofar as they bring prestige and security, but the awe that once inspired is gone, and the job is no longer always attracting the best and brightest. Tummala quotes, "civil servants will have to be much more professionally competent, upright, sensitive and action oriented…. Besides a conscientious introspection by the civil servants, a multi-pronged reform strategy may save the day and restore the rightful status of this important arm of government."* A radical and comprehensive approach may well be needed to protect civil servants against undue political influence and from corruption in society. A new civil service bargain is due.

## 1.9 Conclusions

Public administration in South Asia has ancient and colonial roots that have resulted in present-day central bureaucracies that are powerful and influential in society. They are built upon a robust civil service heritage that has provided strong policies and practices that have molded and sustained a resilient civil service and a top cadre of elite executives. About one-fifth of the human population is governed by South Asian public administration, but the size of the civil service, on a per capita basis, is quite small, perhaps one-quarter, relative to developed nations.† The strong power of these central bureaucracies emanates not only from its heritage and subsequent adaptations, but also from weak and ineffective political institutions, demonstrated capability, and postwar preferences for socialist and developmental strategies (in social and economic policy) that ascribe important roles to the central government. Though in recent decades the role and prestige of the civil service has faded to varying degrees, it remains an influential force in South Asia, as many developmental needs remain, and its regulatory power is huge.

Though powerful, the performance of South Asia's central bureaucracies draws modest and mixed reviews. General assessments are often quite critical of its performance, noting shortcomings of much neglect, corruption, and dysfunction, producing barely manageable societal outcomes. Many social ills and poverty remain, illiteracy is high, and economic performance is said to occur despite the government. However, assessments of specific programs often yield more hopeful and positive opinions. Plentiful examples exist of programs producing key results in critical areas, showing innovation and resilience, involving dedicated civil servants, and providing results that raise the quality of life for citizens. We conclude that these contrasting assessments of bureaucratic performance are consistent within a single perspective of overwhelming mediocrity prevailing in public administration in South Asia.

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* Hota, C. (2010). "The Civil Service, Past, Present and Future." *The Indian Journal of Public Administration*, LVI, no. 2, 189–201; op. cit., p. 189.

† India has 1,622 government workers per 100,000 residents, compared to 7,681 in the United States. http://www.thehindu.com/news/national/article2843014.ece.

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The authors in this volume commonly lay blame for lackluster or uneven bureaucratic performance on pervasive corruption stemming from low wages and common practices in society. Corruption is epidemic in South Asia, and it occurs at all levels of public administration. Sri Lanka ranks 86th, India 95th, Bangladesh 120th, and Pakistan 134th among 183 countries measured on the Corruption Perception Index. The authors note how pervasive corruption in public administration undermines government's legitimacy and effectiveness and kills the development spirit. At senior levels, politicization by corrupt politicians causes corruption that compromises policy objectives and prevents administrative objectives from being pursued with adequate vigor. At middle levels, corruption affects policy implementation and personnel quality, which reduces professionalism and performance. At service levels, corruption affects service delivery and citizen experiences, increasing service costs and reinforcing citizen alienation. Chapters include much data and many examples. It should be noted that while corruption is pervasive, not all civil servants are corrupt, or even in positions where much corruption occurs.

However, bureaucratic performance is also affected by outdated, outmoded rules and procedures that restrict civil servants from performing effectively, excessive reliance on hierarchy, insufficient automation, inefficient incentive systems that do not appreciate outstanding civil servants but reward the incompetent or corrupt, excessive control, lack of trust in subordinates, diffusion of accountability, and political interference in decision making. Central bureaucracies have repeatedly and successfully resisted administrative reform and modernization. It is said that the bureaucracy, specifically the top layer of central superior services, is a major force resisting structural reform that may involve lowering its status and prestige. Any reform initiative that comes as "shock therapy" that is not owned by the bureaucracy is either bound to fail or to get modified and diffused. Reforms are also reverted when governments change. While corruption and a lack of reform are related, each affects performance.

Other factors are also noted, but the above do stand out. One consequence of all this has also been limited development of subnational capability. Modern trends toward increased revenue bases, technological diffusion, and increased human capital make it possible for governments around the globe to vigorously pursue decentralization, which builds up local government capability. This has allowed provincial cities to grow significantly and increase residents' quality of life. However, central governments in South Asia are strong and do not give up their power easily. Decentralization is only belatedly picking up momentum in South Asia, and not yet with many clear results. In some cases, political decentralization has not yet been adequately followed by administrative and fiscal decentralization, whereas in Bangladesh, the national government has maintained its hold over lower governments.

The problems of politicization, corruption, and strong governments are not unique to South Asia, and neither is the development setting. Countries with an Anglo heritage sometimes think of themselves as rather unique, but there is much to learn from other nations that have successfully overcome these challenges. At this time, theories of traditional administration, new public management, and public governance are insufficiently developed to address these challenges. South Asia does show some limits of our knowledge and the need for new knowledge that comes from understanding examples elsewhere. Finally, public administration in South Asia is shown to be full of paradoxes in this book; for example, to become stronger, public administration must move away from obsessions by fortifying its "steel frame" structures of the past. While the seeds have been sown for creating good governance (RTI, administrative reform, grassroots movements, decentralization, and strengthening local government), without steely nurturing (administrative modernization, strict implementation of anticorruption measures, increased leadership and transparency, and a new personnel bargain), the seeds of good governance will fail to germinate and take root.

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# INDIA

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# *Chapter 2*

# History and Context of Public Administration in India

Ram Kumar Mishra

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## 2.1 Introduction

Public administration as a practice has been in existence in India since its hoary past, when early human civilization took its birth in the Indus valley and gradually extended to spread all over northern and western India. The rudiments of public administration were visible when the excavations of the Indus valley civilization led to unearthing of a planned urban economy. The system of public administration was built and consolidated later by the Aryans and the succeeding rulers, resulting in the establishment of empires in ancient and medieval India. However, the real impetus came from the British, who not only conquered India but also unified it politically



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and administratively. They established popular government and a meritorious bureaucracy that gradually entrenched into the social and cultural system of India. While speaking about public administration in India, it must be noted that, as in the case of other public administration systems, it is the result of historical, social, cultural, political, and economic forces over a period of hundreds of years.

## 2.2 Cultural and Colonial Influences on Public Administration: Historical Periods of Public Administration

### *2.2.1 Mauryan Administration*

Kautilya's *Arthashastra*, which was written in the fourth century BC, is the first known Indian treatise on public administration. In the fourth century BC, Kautilya sketched the Mauryan empire during the reign of Chandra Gupta Maurya. He considered the state as a vital instrument for human advancement and maximizing happiness of its citizens. *Arthashastra* is one of the world's earliest treatises on political thought and social order, and it mainly discusses the monetary and fiscal policies, welfare, international relations, and war strategies in detail. When the epic was being written, the country was overtaken by problems of feudalism and conflicts arising due to a closed economy that was based on agriculture, cattle rearing, and commerce. Therefore, the focus of the treatise was on making India a self-sufficient economy based on indigenous ways of production, distribution, and trade. Among the three, Chanakya considered agriculture to be the most important constituent of the economy. Covering various topics on administration, politics, and economy, *Arthashastra* is a book of law and a treatise on running a country that is relevant even today.

King Ashoka was one of the most famous rulers of the Mauryan dynasty. Under his leadership, the dynasty expanded to its largest magnitude because of military expedition. To manage the administrative functions of a vast territory, Ashoka introduced several administrative reforms in terms of its structure and functions. The Mauryan administration was essentially based on centralization of powers at the center, with Ashoka at the helm of the administration and his brother Tishya as the deputy. The crown prince and the other kumaras in the sphere of provincial administration assisted Ashoka. He had a group of trusted ministers who always helped him in the matters of administrative policies. One of the key features of administration during Ashoka's time was that consultations were done with ministers before adopting any administrative policies and during emergencies. A philanthropic spirit to the administration was also introduced that was a variation from the time of Chandragupta Maurya. Ashoka considered his subjects to be his children and serving them as his holy duty. For this purpose, he appointed *pativedikas* or reporters who could give him information about the general public affairs for taking necessary action. His philosophy has been wonderfully brought out through the following statement from *Arthashastra*:

> *Praja sukhe sukham rajyaha prajanamcha hitehitam,*
> *Natma priyyam hitam rajanaha prajanam cha hitam priyam.*
>
> Happiness of King depends on the happiness of his subjects and in their welfare his welfare. He shouldn't take up activities that are good for him alone and that please him but rather should treat as beneficial to him whatever pleases his subjects.

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He also followed a policy of nonviolence, and he introduced legal reforms such as Danda Samahara and Vyavahara Samahara (criminal laws).

Ashoka introduced several reforms in the sphere of provincial administration that brought about improvements in the existing system. Ashoka divided the traditional administrative divisions of the empire into provinces or districts. These provinces were further subdivided into Aharas or Vishyas, or subdivisions and Janapadas, which were further divided into villages. There was a clear classification of work for various functionaries in the administration who were appointed to perform the administrative work and the welfare schemes. The Mahamattas were invested with specific departments—Dharma Mahamattas looked after the material and spiritual well-being of the people, Adhyaksha Mahamattas looked after the well-being of women, Anta Mahamattas looked after general administration of the frontier province, and Nagara Mahamattas were in charge of cities and towns. During Ashoka's reign, Mahamattas were a highly responsible cadre of personnel who were in charge of providing justice and were asked by Ashoka to follow the path of dharma and to be free from anger, fear, and other passions while delivering justice.

### 2.2.2 Mughal Administration

The Mughal empire provided a system of governance that was essentially military in nature, with every officer of the Mughal administration being a member of the army. The administrative power largely revolved around the Mughal emperor, although he had a council of ministers, but he was not bound to consult them. He had unlimited freedom to make laws, but he was bound to follow the guidelines set forth in the scriptures and Islamic traditions. As mentioned earlier, all officers were members of the army, and each of them was assigned a specific responsibility and was paid a monthly salary. The emperor was also required to maintain a certain strength of troops, with senior officers commanding larger units and drawing greater salaries. The system was very flexible, and an officer could be assigned to any office. The officers were either paid salaries in cash or granted land for short periods of time, on which they could obtain revenue.

The empire was administered by several departments with officers assigned to each of them. The main departments of the state were the exchequer, accounts and salaries, judiciary, charities, and public morals. The highest officer was the Wazir (chief minister), followed by the Bakshi, who was responsible for the salaries of all of the employees of the state. He was also involved in recruitment for the army as well as recruitment of officers for the administration. There were various other departments and officers such as the auditor general, the head of the imperial workshop, the superintendent of forests, news reporters, and so on.

The land revenue system played an important part during the Mughal administration. They had a fairly well organized system of land revenue collection, and it continued to remain an important source of income for the state. The other sources were trade, industry, transport, and so on. Around the time Akbar ascended the throne, the land revenue system was fairly disorganized, with a mixture of nobles, landlords, and so on, involved in land ownership and revenue collection. Akbar realized the importance of an efficient land revenue policy for an expanding empire and took measures to streamline the system. To assist in the purposes of administration and revenue collection, the Mughal empire was divided into a hierarchical system of areas. The empire was first divided into several subahs. The subahs were then divided into paraganas. A paragana was a union of several villages. At each stage, there were several officers who supervised operations such as revenue assessment and collection, among others. They were ordered to collect revenue in a just and efficient manner and not to put undue pressure on

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villagers, especially if they had suffered a natural disaster. Apparently, there was tremendous accountability because we have records of even high-ranking officials such as provincial governors being dismissed after complaints were made against them by the citizens.

During the Mughal period, there was no formal written law, but there was a keen interest among the Mughal emperors to deliver speedy justice to its citizens. The justice system placed even senior officers within the law, and perhaps the only person really above the law was the emperor himself. The Mughal emperors were very keen on justice, but for most of the Mughal period, appealing to the emperor was a complex procedure. Two notable exceptions were Akbar and Jehangir, who allowed subjects to directly petition them. In addition to the emperor, there were other officers in charge of justice. The chief justice was known as the Quazi-ul-Quazat, who was in charge of maintaining the judicial system throughout the empire. There were no lower courts, and most villagers resolved their cases in the village courts itself. In the Mughal judicial system, the emperor was the final court of appeal.

### *2.2.3 British Empire*

India witnessed the presence of British Empire for nearly 200 years. The British arrived in India in 1613 as traders. The East India Company won major military battles at Plassey in 1757 and Buxar in 1764, as a result of which they obtained revenue collection rights in the modern states of Bengal and Bihar (formerly Bengal Presidency) in 1765. The British also took control over four districts, known as the Northern Circars, in southern India as a grant from the Mughal emperor. Large parts of the kingdom of Mysore were annexed after the Mysore wars (1792–1801) in the south, and Bombay Presidency and parts of Gujarat were annexed in the west after conquering the Marathas in 1817–1818. Many areas of the northwest provinces were acquired by the British from the Nawab of Oudh for nonpayment of debts in 1801–1803. The British also acquired Punjab after the Sikh wars of 1846 and 1849 as well as Oudh in 1856.

The Indian troops in many parts of north India revolted against their British officers (Sepoy Mutiny) in 1857; the British Crown suppressed the revolt and decided to bring the administration of India under its direct control. Thus, the rule of the East India Company came to an end in 1858, and the British put an end to any further annexation of territory. This resulted in many princely states in different parts of the country that were under British political control but had autonomy in administrative matters. Land revenue or land tax was the major source of government revenue for the British Empire in India. The British initially put in place a landlord-based system in most areas to a substantial extent because by relying on landlords to do all of the revenue collection work they did not have to set up large administrative machinery for this purpose. Thus, the landlord had property rights on the land over which he was made responsible for revenue collection. In some of these areas, the British declared the landlords' revenue commitments to the government to be fixed in perpetuity (the Permanent Settlement of 1793), whereas in other areas, a temporary settlement was implemented in which the revenue was fixed for a certain number of years, after which it was subject to revision.

The British annexed many princely states, formed laws and policies of their own, and effectively brought the entire Indian subcontinent under their rule. There were some major initiatives that the British government started in the mid-1890s in India. They introduced the railways, telegraph, and postal service. The first railway line was from Howrah in Calcutta to Raniganj in Bihar. The introduction of the telegraph and postal services simplified communication all over the country. There was growing resentment and dissatisfaction with the British government in India that led to the emergence of several great leaders, including Mahatma Gandhi, Jawaharlal Nehru,

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Lala Rajpat Rai, Subhash Chandra Bose, and so on, who inspired the masses to stand up and fight against the leadership of the British government. Finally, after 200 years of British rule, India gained independence from them on August 15, 1947.

The entire politico-administrative system of modern India can be traced back to the days of British colonialism, which provided not only a political system but also established a modern public administration system to perform the activities of the government. The secretariat, ministries, departments, tenure system, and others were all established and nurtured during the British regime, and these continue even today. There were four major phases of public administration in India during the British regime (Avasthi and Avasthi 1990):

1. Administrative system before 1858
2. Administrative system 1858–1919
3. Administrative system 1919–1937
4. Administrative system 1937–1947

During these periods, the locus of power shifted, and with each shift, the focus of public administration also underwent change. The administrative system before 1858 was characterized by efforts by the East India Company toward centralization through various acts such as the Regulating Act of 1773, the Pitts India Act of 1784, the Charter Act of 1833, and so on. The Regulating Act of 1773 was an act of the Parliament of Great Britain intended to overhaul the management of the East India Company's rule in India. The act led to the setting up of a system in which it supervised (regulated) the work of the East India Company, which had taken over large areas of India for trading purposes and had an army to protect its interests. This was one of the first steps taken by the British government toward the eventual control of India. The Pitts India Act of 1784 was an act of the Parliament of Great Britain intended to address the shortcomings of the Regulating Act of 1773 by bringing the East India Company's rule in India under the control of the British government. The Charter Act of 1833 inaugurated a new era in the administration of India. The East India Company, originally a trading concern, became the master of vast territories by 1830. Their administration naturally devolved on the servants of the company. The parliament, which renewed the charter by a fresh act every 20 years, forced the company this time to divest itself of its commercial character because they thought that the company's servants would thereby be able to devote adequate time and attention to the government of the country. The Charter Act of 1833 would have been welcomed in India, had it not contained harmful and defective provisions. According to the act, the company's commercial debts were required to be paid from the Indian exchequer, which augmented the already heavy burden of public debt. It also sought to increase the missionary establishment of the government, which would be of no good to people at large. The governor-general was given unlimited powers, and the Supreme Court of Calcutta came within his control. The freedom of the people had been already curtailed—the Press Ordinance was still on the statute book, and public meetings had also been banned. The Charter Act of 1833 reached India, with all of its harmful provisions and exasperated the people. It affected Indians and Europeans alike, and both of them joined in seeking redress. See Box 2.1 for a detailed history on British empire in Indian administration.

In addition, specialized boards—revenue, military, and so on—were created to cater to the specific needs of the company. However, the Government of India Act of 1858 passed the control of the Government of India from the company to the Crown. Accordingly, a new office of the Secretary of the State for India was created to superintend, control, and direct all of the affairs of India. Two prominent features of this period are the gradual association of Indians and efforts

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**BOX 2.1 THE INDIAN CIVIL SERVICE LEGACY**

**INSTITUTING THE INDIAN CIVIL SERVICE: LEGACY OF BRITISH EMPIRE IN INDIAN ADMINISTRATIVE HISTORY**

*The Charter Act of 1853*: This threw open the selection and recruitment of civil servants through competition to the Indians.
*1854 Macaulay Committee*: The age of candidates for admission to the tests was suggested to be 18–23 years. The committee also recommended that the competitive examination should be of a high standard and should ensure the selection of candidates with thorough knowledge.
*The Indian Civil Service Act 1861*: This provided for the Indianization of services.
*1860 Special Committee on Civil Servants Salaries*: This committee recommended the appointment of Indians to the Indian Administrative Services.
*1874*: The Committee on the Selection and Training of Candidates for the Indian Civil Service was appointed. The maximum age for the competitive examination was reduced to 19.
*1886 Public Service Commission*: This was a scheme to do full justice to the claims of Indians to higher and more extensive employment in public service. Recommended a three-tier classification—imperial, provincial, and subordinate civil services.
*Islington Commission of 1912*: Categorization of services was recommended under the Government of India into Class I and Class II.
*Montford Report of 1918*: This made the recommendations that 33% of the superior posts should be recruited in India, and this percentage should be increased annually by 1.5%.
*Lee Commission of 1923*: Appointments to ICS, IPS, Indian Medical Service, Indian Service of Engineers (irrigation branch), and Indian Forest Service to be carried out as well as controlled by the Secretary of State for India. For Indianization of services, 20% of the superior posts should be filled by promotion from the provincial civil service.

to strengthen the local government. The portfolio system came into existence in which the official business was distributed among the members of the Governor General in Council, and efforts were made to divide the business into different departments. Several departments grew steadily during this period, and much reshuffling of the activities from one department to the other took place in an effort to streamline public administration.

The Government of India Act of 1919 was an act of the Parliament of the United Kingdom. It was passed to expand participation of Indians in the Government of India. The act embodied the reforms recommended in the report of the secretary of state for India, Edwin Montagu, and the viceroy, Lord Chelmsford. The act covered 10 years, from 1919 to 1929. This retraction of British imperialism was a result of India's enthusiastic participation in World War I. The act provided a dual form of government (a "diarchy") for the major provinces. In each such province, control of some areas of government, the "transferred list," was given to a government of ministers answerable to the Provincial Council. The transferred list included agriculture, supervision of local government, and health and education. The Provincial Councils were enlarged.

At the same time, all other areas of government (the "reserved list") remained under the control of the viceroy. The reserved list included defense (the military), foreign affairs, and

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communications. The Imperial Legislative Council was enlarged and reformed. It became a bicameral legislature for all of India. The lower house was the Legislative Assembly, consisting of 144 members, of which 104 were elected and 40 were nominated for a 3-year tenure. The upper house was the Council of States, consisting of 34 elected and 26 nominated members for a 5-year tenure. This structure allowed Britain to use the princely states (who were directly represented in the Council of States) to offset the growing power of the native political parties. The act also provided for a high commissioner, who resided in London and represented India in Great Britain.

## 2.3 Context and Driving Forces

Postindependent India witnessed many important administrative initiatives and developments. The promulgation of the constitution in 1950 guaranteed fundamental rights to its citizens and enunciated the Directive Principles of State Policy as guiding tools for the governments. The Indian Parliament accepted the socialist pattern of society as the objective of social and economic policy. In early years of independence, capital was scarce, and the base of entrepreneurship was also not strong enough. Hence, the 1956 Industrial Policy Resolution gave primacy to the role of the state, which was directly responsible for industrial development. Consequently, the planning process (five-year plan) was initiated, taking into account the needs of the country. The massive planning activities coupled with developmental orientation of public administration led to shifting the focus toward the welfare of the citizens.

The British regime had a long-lasting effect on social, political, and administrative conditions in India, and the political and administrative structures implanted by them sustained in India long after their departure. India adopted the parliamentary form of government, and fortunately, the system has been able to withstand the fissiparous tendencies in the society, and is firmly entrenched into the democratic setup. Parliament is the highest law-making authority, and the council of ministers conducts public administration in accordance with the law of the land. In the postindependence period, the governance system in India was largely influenced by the Indian Constitution.

The government exercises its broad administrative powers in the name of the president, whose duties are largely ceremonial. The president and vice president are elected indirectly for 5-year terms by a special electoral college. Real national executive power is centered in the council of ministers (cabinet), led by the prime minister. The president appoints the prime minister, who is designated by legislators of the political party or coalition commanding a parliamentary majority. The president then appoints subordinate ministers on the advice of the prime minister. The states' chief ministers are responsible to the legislatures in the same way the prime minister is responsible to parliament. Each state also has a presidentially appointed governor who may assume certain broad powers when directed by the central government. Local governments in India have less autonomy than their counterparts in the United States.

The Supreme Court also has wide appellate jurisdiction over all courts and tribunals in India in as much as it may, in its discretion, grant special leave to appeal under Article 136 of the Constitution from any judgment, decree, determination, sentence, or order in any cause or matter passed or made by any court or tribunal in the territory of India. The High Court stands at the head of a state's judicial administration. Each High Court has powers of superintendence over all courts within its jurisdiction. It can call for returns from such courts, make and issue general rules, and prescribe forms to regulate their practice and proceedings and determine the manner

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and form in which book entries and accounts shall be kept. The Constitution of India guarantees every citizen the fundamental right to form associations. These nongovernmental organizations have intervened, in significant ways, on behalf of common citizens to ensure the protection of their rights on the one hand and secure the accountability of those exercising power on the other.

As per the constitution, India is a "sovereign, socialist, secular, democratic republic" with a federal form of government. Administration is divided into three tiers: the union government, state governments, and local governments. A district administration is a unit of administration (on average, a district has a population of ~2 million). The district collector is the head of the unit, with the key responsibilities of regulatory administration, development administration, land administration, law and order, tax collection, and overall coordination. Local rural self-governments include the Panchayats, which consist of block Parishads, village Parishads, and Gram Sabhas. Local urban self-governments include big cities/city corporations, cities/city municipal committees, and towns/town municipal committees. However, operationally the central government in India has greater power in relation to its states, and its central government is patterned after the British parliamentary system. India's central government is divided into three distinct but interrelated branches: legislative, executive, and judicial. As in the British parliamentary model, the leadership of the executive is drawn from and is responsible to the legislative body. Although Article 50 stipulates the separation of the judiciary from the executive, the executive controls judicial appointments and many of the conditions of work.

After independence, economic development was initiated in India with a heavy involvement of the state and a democratic polity. The first three decades since then, in the 1950s, 1960s, and 1970s, led to a foundation of a complex industrial economy and a fairly reasonable rate of agricultural growth, with publicly provided or subsidized irrigation and chemical fertilizers, sometimes at the cost of a heavy fiscal burden and some environmental degradation. In terms of the democratic experiment, apart from consolidating a massively diverse polity into some unified political and administrative framework, over time, ripples of democratic equality spread out as if in concentric circles to ever-increasing numbers of hitherto subordinate groups and castes.

The setback to reforms was due to major failure at the overall macroeconomic level; the growth rate in national income was very slow, particularly in per capita income. A colossal and highly inefficient public sector became a drain on the resources mobilized by the government. There was rampant political and bureaucratic corruption; some of this corruption flowed from the regulatory structure of the economy, particularly the nightmarish maze of controls and regulations that the government imposed. The sluggish growth could not match the growing aspirations of the up-and-coming subordinate groups. There was a big gap between the political and the economic development. This led to economic reforms with a view to unleash the entrepreneurial forces from the shackles of controls and regulations, hoping that some of the ensuing economic growth would trickle down to the clamoring masses. The changes introduced, particularly since the early 1990s, were dramatic by past standards in India, but they were quite unremarkable by the standards of many other developing countries, particularly in East Asia and Latin America. The major elements of changes in policy over the last decade include:

- Delicensing and deregulation of investment and production in most industries and the introduction of a general regulatory framework in the case of monopolies (rather than case-by-case discretionary control).
- Discontinuation of exclusive reservation of many key industries for the public sector and of budgetary subsidies to public sector enterprises, with some small steps toward privatization in recent years.

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- Gradual abolition of quantitative restrictions on imports (except for some consumer goods).
- Movement toward a market-determined exchange rate (within limits) and current account convertibility.
- Reduction of average levels of direct and indirect taxes and some streamlining and rationalization of the tax structure.
- Some reform in the financial sector (abolition of control of capital issues, more competition among banks and insurance companies, deregulation of some interest rates, insistence on capital adequacy norms, etc.).

In postindependent India, the civil service system became the backbone of the administrative machinery of the country its key features expanded in Box 2.2. At the central level, the civil services include the All-India services, namely the Indian Administrative Service, the Indian Forest Service, and the Indian Police Service. There are various central services such as the Indian Income Tax Service, the Indian Railway Services, and so on. There are three tiers of administration: union, state, and local governments. The state governments have their own set of services. The bureaucracy entrusted with the responsibility of making the act operational has delayed the entire process and created more obstacles in the process in the name of ensuring fairness and justice for all. In addition, the media acted as a watchdog by reporting incidents of misuse of power and corruption.

**BOX 2.2 THE HALLMARKS OF CIVIL SERVICES IN INDIA**

- Constitutional protection
- Political neutrality
- Permanency
- Anonymity
- Recruitment based on merit done by a constitutional authority—the Public Service Commissions

The secretariat system includes the central secretariat at the center and the state secretariat at the state level. These are the highest policy-making bodies in the Government of India, and they play an important role in the process of policy formulation even today. They owe their existence to the colonial government. During those days, the ministers were Indians, and the senior civil servants were British; this setup often led to friction between them. Nevertheless, the secretariat system continued to exist and functioned effectively and efficiently. The system was so good that it was taken in totality after independence with all of its attendants such as the tenure system, hierarchy, ministries, departments, and so on.

### 2.3.1 Cultural and Colonial Influences on Public Administration

Chakrabarty (2007) argued that the government of the day is invariably influenced by the prevalent socioeconomic and political milieu; hence, one cannot ignore the ambience in which public administration is conceptualized. The point is substantiated by Singh (1983), who stated that administration bears the unmistakable effect of the cultural milieu at the given time. Hence, the

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institution of public administration and its systems and processes can be better understood if the cultural environment is properly understood. This is because there is a constant and continued interaction between public administration and its culture; similar views are expressed by Sharma and Sadana (1994), who opined that because public administration is culture bound or shaped by its setting or environment, it develops its own peculiar characteristics in different cultural areas or environments. They further stated that culture is subject to change and there is a constant interaction of culture and administration.

The important contribution of the colonial rule to India was the establishment of democratic governance and bureaucracy. However, the establishment of democracy suffered from a major flaw in the sense that it succeeded the establishment of bureaucracy. This resulted in skewed distribution of power in favor of bureaucracy, and the accountability of the public officials was more toward their colonial masters than toward citizens and the political representatives. Even after independence, the gulf between the public officials and the citizens existed, and public administration remained unresponsive and apathetic. This required the citizens to grease the palms of the public officials to get things done, which later became a practice in itself. The system of administration was paternalistic, regulatory, rigid, and nonaction oriented, with little or no involvement in development (Bava 1985). The administration became more secretive; red tape was rampant; and citizens, the key stakeholders, were no longer the central focus of administration.

The colonial administrative system was basically designed to meet the needs of a colonial government. The main functions were collection of revenue and maintenance of law and order. The public officials did both of the tasks very efficiently and received accolades from the government. The colonial rulers designed this instrument to suit their narrowly conceived requirements of law and order administration and the attendant tasks (Maheshwari 2002). Such an institution of public administration could never be accepted by the citizens, and in the process, the division between public administration and citizens became sharp, resulting in unresponsiveness, delay, maladministration, and so on, on the part of the public officials. Although the colonial administration was known for efficiency, loyalty, impartiality, and high ethical standards, it also suffered from excessive self-importance, indifference to the common man's needs and aspirations, and an obsession with status and rules/regulations (Dwivedi 1995).

The societal forces that drive public administration include the caste system, poverty, the urban-rural divide, empowerment of women, and so on. The institution of public administration in India is heavily ridden with casteism. Casteism is a unique social phenomenon in India in which the entire social structure is divided along caste lines or social groups, both vertically and horizontally. On the basis of the caste system, one finds the existence of reservation of positions for people belonging to different castes within the public administration hierarchy in India. The entire process of recruitment and selection is so fine-tuned that each section of the broad caste groups are accommodated with the help of reservations. Although accommodation of diverse groups into the mainstream is appreciated, issues, such as favoritism, bias, nepotism, and so on, toward specific social groups have drawn criticism from various quarters.

Another driver that has made inroads into the institution of public administration is the large-scale entry of women into political and administrative bodies with the help of the quota system. Although no such quota exists for women in parliament and state legislatures, many state governments have provided a 50% quota for women in local governments. In addition, some state governments have even gone a step further and provided a quota for women in all categories of public employment. However, all such acts are intended toward the empowerment of women, and women are also vociferously demanding their rightful presence in legislative bodies.

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## 2.4 Relationship between Politics and Administration

A democratic setup is normally guided by the election manifestos of the political parties that later become guiding principles of public policies. This is where the elected officials are accountable to the electorate, and any noncompliance of such manifestos leads to defeat in elections. Therefore, the elected officials are cautious in fulfilling the promises made to the people during elections and express a desired state of action through public policies. However, because public policies have wider ramifications for the government and the society, the elected officials depend on the seasoned civil servant who not only brings expertise to their position but also guides the elected official to smoothly move ahead with public policies. This is the norm of any democratic government, particularly a parliamentary form of government.

In India as well, the role of an elected official and a civil servant has been smooth in the sense that the former expresses his/her desired state of action, which is ably supported by the latter in the form of advice and expertise. This is where the relationship between the minister and the civil servant assumes importance in the light of effective functioning of the government machinery. The roles and responsibilities are simple: The elected official—minister—lays down the policy, and it is the duty of the civil servant—secretary—to implement the same with all earnestness. The permanent civil servant furnishes to the administration the indispensable element of continuity and expert knowledge; hence, his/her advice will be informed and objective, and the final decision of the minister and the government is made after giving full consideration to such informed and objective criticism (Patel 1996).

The issue of the minister–secretary relationship is the microcosm of the politics–administration relationship in India. This is where one needs to understand the obligations of the minister, who carries a popular mandate to fulfill the promises made to the electorate. The responsibility of the minister is to come out with public policies that can benefit the society at large. The formulation of public policy is to be supported by the secretary, who brings immense experience and expertise to the position. The secretary is expected to provide unbiased advice and guide the minister in the formulation of public policies. The conventional maxim lays down that the administrator has an instrumental role, and the ultimate determination of policy is the politicians' cup of tea (Vajpeyi and Kaul 1993).

However, in the context of India, the typical dimension of public administration is that bureaucracy preceded democracy, which led to tilting of the scale in favor of the former. This means that the secretary, although obliged to take orders from the minister, is in a favorable situation when case issues of accountability and ethics come to fore. The minister takes the criticism, and the secretary safely hides behind, and this anomaly has led to friction between them that leads to delays and bad blood in public administration.

Of late, the overall scenario seems to have changed as more and more civil servants are either pliable to the ministers or the ministers look for pliable and gullible civil servants who would toe the line of the minister during the formulation of public policies. The free and unbiased advice from the secretary has been replaced with safe-play by the civil servants at all levels. One needs to understand various differences between a political representative and a civil servant, which normally come in the way of smooth interaction between them. A political representative or a minister is a person from a political background who is affiliated with a political party. Because the minister enjoys the powers and positions only on the basis of the popular mandate, he is expected to be accountable to the electorate. Further, the minister is expected to face the electorate every 5 years on the basis of his performance and seek re-election, and a debacle in re-election means going into oblivion from political life.

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However, the case of a civil servant or secretary is different in the sense that he is employed for life and is assured of the salary and pension throughout his active employment with the government. In case there is a tie between the views of the minister and the secretary, the views of the minster prevail, and the secretary is expected to toe the line of thinking of the minister. The civil servant is protected from political and public accountability, and it is the minister who faces questions from the opposition party and the people. The secretary, as a part of maintaining secrecy and confidentiality, is not expected to speak to the people. This is where the civil servant or secretary is shielded and protected; hence, they enjoy more immunity than the minister.

Such differences in their position and functions have led to some problems in the relationship between them, which have been effectively tackled in the recent past by posting more pliable officers in key positions. In some cases, even the district-level officers are posted by taking into account the views of the ministers who represent the district. Therefore, in most of the cases, the relationship between politics and administration is one of smooth sailing, although there are always some stormy relationships here and there.

## 2.5 Major Values in Public Administration

Public administration in India has witnessed many historical changes from time to time. In the pre-independence era, the systems established by the Aryans, Moghuls, and the British and their diverse administrative patterns have taken roots in India. Independent India witnessed the advent of successful functioning of the parliamentary democracy at the central, state, and local level on the one hand and the spread of the public administration network to every part of the country with diverse social, cultural, and economic conditions on the other. Although there are a myriad of issues that have been plaguing public administration, efforts are on in the same direction to make public administration more citizen centric and make it a tool for the delivery of goods and services (see Figure 2.1). However, the course and functions of the state and public administration altogether changed in the early 1990s with the adoption of liberal policies and programs aimed at more integration with the global world. The process of liberalization, privatization, and globalization (LPG) has set a new agenda for public administration in the country with the gradual

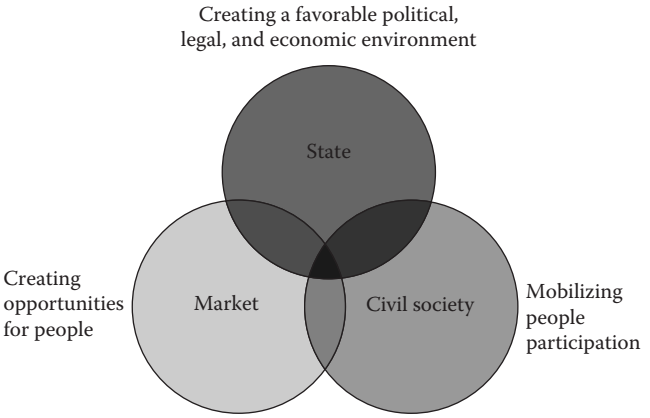


**Figure 2.1 Governance—three key actors.**

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shedding of many commercial activities by the government. The public sector that hitherto enjoyed the patronage of the government and earned the tag of commanding heights of the economy has been exposed to global competition.

The major developments affecting administration during the early 1990s include globalization, increasing disparities, transformation of the world into a global village, deregulation and privatization trends, and increasing awareness about human rights. The state, formerly an interventionist, producer, regulator, and seller, is now called upon to be a facilitator, promoter, and partner; the emergence of powerful technological solutions (e.g., computers and information technology) and increasing expectations from governments to "perform" are the realities of the current-day administration. The process of governance bundled together the political, social, and economic aspects, including formal and informal actors in decision making. The government (state)—one of the main actors in governance—also took along with itself other actors that included the civil society and the market (businesses).

The Indian Public Administration system entered an altogether different phase. One of the major landmarks in the reforms in public administration in India in the mid-1990s was the Conference of Chief Ministers held in May 1997 under the chairmanship of the then prime minister. An action plan for effective and responsive administration at the central and state levels was drawn with an action plan to take corrective steps to restore faith of people in fairness, integrity, and responsiveness of administration. There was a consensus built on developing strategies for rebuilding public administration to become more responsive and effective. The central and state governments resolved to work together to realize the action plan. The key themes of the plan include:

- Accountable and citizen-friendly government
- Transparency and right to information
- Improving the performance and integrity of public service

The expanding role of public administration affects the lives of citizens because several goods and services are provided by the public agencies such as drinking water, electricity, education, health, and so on. However, the quality of such services is questionable because the bureaucratic behemoth has not been able to effectively and efficiently deliver those services. The poor state of public health, the declining standards of education, and so on have raised questions of accountability. The issue of accountability has been in the forefront of all reform committees in India because the individuals who are spending on behalf of the government do not own the money but act as guardians of society. Therefore, the money spent and the services rendered by the civil servants come within the ambit of accountability to the citizens.

The citizens as the customers are paying for the services being provided by the government agencies; therefore, all such agencies are accountable to the citizens in their acts of omission and commission. However, in a country such as India, where one finds poor awareness of consumer rights and citizen privileges, accountability is nothing but a sham. Organizational accountability is weak and is in shambles, resulting in poor external accountability (i.e., to the citizens). There are three types of accountability expanded in Table 2.1.

In India, the accountability is so weak that the citizen cannot hold an individual civil servant accountable for acts of omission or commission. Although there are internal checks and balances, one finds that there is a lot of political interference to ensure that accountability is minimum. However, the Right to Information (RTI) Act has led to some awakening on the part of citizens, and they are actively ensuring that the government agencies are accountable for their activities.

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**Table 2.1 Types of Accountability**

| *Types of Accountability* | *Expectations of the Civil Servant* |
|---|---|
| Personal | Personal accountability reflected in conscience in doing things |
| Organizational | Adherence to the laws and rules as promulgated by the organization from time to time |
| Professional | Exhibition of high standards of work and qualitative performance of the assigned work |

Nevertheless, such accountability has to go a long way to enhance the quality of the services being received by the citizens.

In India, the role of the government has been constantly increasing as it tries to reach a vast majority of people through various welfare programs. The contemplation of the government to provide food security is a pointer in this direction wherein the government intends to provide subsidized rations to at least 90% of the rural population and 50% of urban India. Therefore, the scope for public administration is not diminished; it has taken up the role of a facilitator and promoter for providing effective service delivery to the common man, who has now become the center of the administrative agenda.

## 2.6 Emerging Issues in Public Administration

The course and functions of the state and public administration altogether changed in the early 1990s with the adoption of liberal policies and programs aimed at more integration with the global world. The role of public administration in the global world has shifted from provider to facilitator and regulator. However, the context in which public administration in India operates may not allow it to dispense away the tag of welfare and development. This is all the more true because even today, the government plays an important role in education, health, sanitation, drinking water, and so on, and comes out with many antipoverty programs and welfare schemes aimed at enhancing the living conditions of people living below the poverty line. Table 2.2 indicates the broad areas of government intervention:

The administration at the state and the district level is the cutting edge of the public administration system in the country. Be it the issue of rations or electoral identity cards, procurement of food grains, implementation of employment guarantee schemes, supply of drinking water, mutation of land records, functioning of primary schools and healthcare centers, or control of epidemics in the countryside, it is the instrumentalities of the state and the district administration with which citizens have to interact primarily for delivery of public services. There are laid-down rules and procedures for every aspect of the government's functioning and its interaction with the common man, but because of weaknesses of the bureaucracy, growing complexities of administration, and absence of commitment and responsiveness, a wide gap has emerged between "government" and "governance."

Major attempts have been made to bring in progressive modernization and transformation of district administration in regulating, facilitating, and delivering services at the grassroots levels by bringing about systemic changes to infuse and sustain vibrancy and responsiveness. Streamlining

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**Table 2.2 Changing Profile of Public Administration in India**

| *S. No.* | *Key Sectors* | *Role of Government* |
|---|---|---|
| 1 | Economic development (primary sector) | Facilitator of economic growth |
| 2 | Human development | Promoter of human development |
| 3 | Welfare | Directly undertaking services for the socially backward and needy |
| 4 | Local and urban bodies | Decentralization and strengthening of local government to enable them to discharge civic obligations |
| 5 | Infrastructure development | Building economic and social infrastructure |
| 6 | Revenue generation | Mobilization of resources for development |
| 7 | Governance | Provider of general administration and regulatory services, maintenance of land records and law and order |

and fine-tuning a comprehensive and accessible public grievance handling and redress mechanism and greater devolution and delegation of functions and resources to the local levels are instituted. In addition, the leadership role of the district officer in developmental activities and enlisting peoples' participation to strengthen local administration is re-examined.

States were reorganized with the inclusion of local governments—Panchayats and municipalities—as constitutional entities through the constitutional 73rd and 74th amendments in 1992. However, there has been a marked reluctance on the part of most states to adequately transfer powers and functions, finances, and functionaries to put local governments on the path envisaged by these constitutional amendments. As of now, most local governments are overstructured and weakly empowered. There is a great deal of fundamental transformation in governance that is required to be done to empower a citizen centric and accountable local government in India.

India's massive bureaucracy is maintained at a huge cost to the country's taxpayer, whose average income is among the lowest in the world. However, the public perception about the members of the civil services, who function at the cutting edge and higher coordinating and policy-making levels, is that they are "burdensome low-performers" heading a highly bloated bureaucracy that is often perceived to be corrupt and inefficient in governing the country. There are several ailments afflicting Indian civil services such as a lack of professionalism and poor capacity-building, inefficient incentive systems that do not appreciate upright and outstanding civil servants but reward the corrupt and the incompetent, outmoded rules and procedures that restrict the civil servant from performing effectively, systemic inconsistencies in promotion and empanelment, and a lack of adequate transparency and accountability procedures. There is also no safety for whistle-blowers, and there are arbitrary and whimsical transfers. The insecurity in tenure impedes institutionalization and causes political interference, administrative acquiescence, and a gradual erosion in values and ethics.

It is well recognized that civil service reform is not only necessary but also inevitable. It has as much value in governance as in socioeconomic development. Reforms must take into account

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the role of the civil service in the governance needs of the day and the expectations generated from it. The civil service in India has always played a pivotal role in ensuring continuity and change in administration. The civil servants are dictated by the rules and procedures. It is the "rule of law" rather than the "rule of man" that is blamed for widespread abuse of power and corruption among government officials. The explosion of media has also opened civil servants to external scrutiny.

Development is the key agenda for driving public administration in India. Smooth and efficient service delivery to the poor, especially in key areas of health, education, social welfare, employment, labor, and security, is considered to be of vital importance. In fact, the government has been experimenting with various welfare programs and schemes toward ameliorating the living conditions of the poor and downtrodden sections of society. One good example is the implementation of an employment guarantee scheme (Mahatma Gandhi National Rural Employment Guarantee Scheme) that guarantees a minimum of 100 days of employment for people living in rural areas. Although such programs have been dented by the loopholes of the existing lacunae in public administration, welfare administration remains high on the agenda of public administration in India. However, after the advent of liberalization and privatization, the definition of development has undergone a change with the role of the government shifting from a provider to a facilitator. In fact, the focus has shifted toward providing a supporting role rather than an active role in providing goods and services to the people. Nevertheless, development is expected to remain high on the agenda of the government because the liberal policies of the government may not yield fruitful results for the people. All said and done, development has to be sustainable to meet the needs of the present and future generations.

Far-reaching changes in the global economy have made it imperative for governments all over the world to improve the quality of their governance structures. The Government of India has also introduced the new public management concepts in public administration, with an emphasis on "results" or "performance" to improve the efficiency and effectiveness of public services. The Government of India has developed monitoring and evaluation systems for its development programs, supported by a well-planned institutional framework. It also has a performance appraisal mechanism for its civil servants. To make the performance management system effective, technology is being used in a big way, leading to the development of a comprehensive performance information system that can be audited and related to financial management and policy cycles.

To hold a civil servant accountable, it is necessary to find out information about the civil servants' decisions and actions. The RTI Act was a landmark legislation enacted by the Government of India in 2005. It is a powerful tool in the hands of citizens and promotes greater transparency and accountability in the working of every public authority. The RTI Act of 2005 provides for setting up a practical regime of the right to information for citizens to secure access to information under the control of public authorities. It mandates timely response to the requests made by citizens for government information. The act directs all of the public authorities to nominate public information officers (PIOs), assistant public information officers (APIOs), and appellate authorities who will be responsible for providing the information requested by citizens under the RTI Act. Not only PIOs and APIOs, but also other officers who hold relevant information or are custodians of information, are bound to discharge the obligation as per the statute. During the past 5 years of implementation, several people living in India, literate and illiterate, have accessed information from the government on critical issues. Today it has become a common feature to ask for information on wide-ranging issues through the RTI Act.

Over the years, democracy has become "delegative." People have left it for the elected representatives and officials to govern. The citizen is missing from governance. Democracy has become more representative than participatory. Citizen participation in governance becomes most apparent

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during elections. Between elections, there are a few institutional channels of citizen participation in issues of governance. The role of other institutions such as the media and others becomes important. As we look at issues relating to governance in the twenty-first century, the roles of the citizen and the government are undergoing an important revolution. Government is seen more as one of the stakeholders than as a regulator, funder, or service-provider. Citizen governance is to be seen beyond new public management. It brings a fundamental change in the reform process in that the importance of state apparatuses for the development and sustainability of viable societies is being de-emphasized, and special attention to "governance" is now taking over the central place that has been hitherto given to "government." The new vision of the government is to evolve public policy through the joint effort of the public authorities and the citizens working in harmony. Today, the reinvention of the citizen is of crucial importance to public administrative practice. In this governance model, the citizen's role is seen as a customer, owner or shareholder, issue-framer, co-producer, service quality evaluator, and independent outcome tracker.

e-Governance is another area that is going to play an important role in the process of governance (i.e., delivery of services to the citizens). e-Governance is the application of the tools and techniques of information technology (IT) for smoothing the public processes. With e-governance, the citizens can have access to qualitative services in a short time. Such an engagement between the civil servant and the citizens has heralded a new era with the objective of inching toward citizen-centric governance. Citizen-centric governance is the order of the day as the social, political, economic, and administrative environment is being shaped by the IT revolution. The prompt application of IT has paved the path toward the establishment of citizen-centric governance in which the public services are integrated with IT tools for accessing public services by citizens.

Social and environmental issues have gained the spotlight in planning programs and projects in India. Displacement is another issue that has taken center stage in the recent past, with more and more corporate entities seeking land for their mega projects in tribal belts and forest lands. In addition to displacement, another related issue is the environment and its stakeholders. The government has become more cautious in approving projects that have a negative effect in the long run and cause irreparable damage to the fragile environment.

Financial inclusion and women empowerment is an issue that grabs the attention of policymakers in the twenty-first century. The efforts toward expanding financial services to every nook and corner of the country still did not lead to financial inclusion of certain sections of the society, particularly women. The efforts of microfinance institutions toward financial inclusion have been laudable, but such efforts have run into troubles; hence, they have come under regulation. Nevertheless, the efforts toward financial inclusion and empowerment of women will take center stage in public administration in India.

Public administration in India faces a major threat from processes that promote corruption in service delivery in government. Transparency International placed India at the 95th position on the 2011 corruption perceptions index. One of the high-priority areas for the Government of India is to design appropriate strategies and operational procedures for combating corruption practices in the Indian administrative system.

## 2.7 Public Administration Education

Public administration as a separate discipline made foray in 1937 when Madras University introduced a diploma course in public administration. The streak of diploma courses continued in other universities until 1949, when Nagpur University set up a separate Department of Public

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Administration and Local Self-Government. The lead provided by Nagpur University was taken up by other universities, and presently more than 30 universities teach public administration at various levels. However, all of the central universities established by the Government of India continue to treat public administration as a part of political science.

The impetus for the study of public administration was received with the establishment of the Indian Institute of Public Administration in 1954 on the recommendations of Paul H. Appleby. The objective of the institute was to undertake all of those academic activities that would enhance leadership qualities and managerial capabilities in government servants. The year 1987 provided another fillip when the Union Public Service Commission recognized public administration as an option for writing the civil services examination. This aroused interest among students and learners of public administration, and even today public administration is a favorite option for civil service aspirants.

Civil servants are exposed to public administration in various training institutions spread across the country, and each state has its own training institution for public administration. The role of such institutions is not only to impart training to the civil servants but also to promote research and undertake consultancy projects in the area of public administration. The major thrust areas identified by these training institutions are good governance, rural development, urban management, capacity-building, disaster management, gender studies, human resource development strategies, IT, and so on However, all said and done, training is yet to provide a good return on investment in India. India's training philosophy continues to be nebulous and its administrative culture feudal to exempt the privileged from any exertion, not excluding the tender strains of training and driving lesser mortals to coercive performance (Sadasivan 1987). A general feeling of the participating civil servants is that the training programs are not seen from the perspective of implementation; therefore they lack a realistic approach (Maheshwari 1987). Some of the institutes that are involved in the training of civil servants are expanded in Table 2.3.

The future of public administration hangs in the balance because it is struggling to be established as a discipline and as a tool to suggest policies for the mandarins in the government. Public administration as a separate discipline did not find its place in all of the central universities established by the Government of India. The problem is further compounded by the fact that the state-level universities are not able to attract the best students to pursue public administration for the simple reason that they are more attracted to management education. Therefore, public administration has failed to attract students because of poor employment records after completion of study, unlike management education. Another problem of public administration in India is the lack of rigor in the content and its failure to forge alliances with other disciplines, such as history, sociology, anthropology, economics, law, and so on.

One prerequisite for effective research in public administration, as in other fields, has become increasingly evident over the past quarter century: the interdisciplinary approach to problems (Bradley 1959). Even the syllabi are not updated regularly, which leads to diminished interest among the students. There is too much emphasis on political theory, as well as an inclusion of social sciences without understanding their relationship to public administration, a focus on management concepts rather than managerial skills, and inclusion of only Western countries for the purpose of comparison (Haragopal and Prasad 1980).

The future of public administration, as in any other country, is linked to the teacher, practitioner, and student. In fact, this tripod of public administration plays an important role in determining the future of public administration in India. The role of teacher in public administration is limited to imparting the theories and concepts of public administration, but efforts toward building theories are not forthcoming. The problem is further compounded by the fact that teaching public administration has become more descriptive and therefore has lost its prescriptive value.

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**Table 2.3 Training Institutes to Train Civil Servants in Various States**

| |
|---|
| Assam Administrative Staff College |
| Accounts and Administrative Training Institute |
| Anna Institute of Management |
| Bihar Institute of Public Administration and Rural Development |
| Administrative Training Institute |
| Chattisgarh Academy of Administration |
| Gopabandhu Academy of Administration |
| Goa Institute of Rural Development & Administration |
| Haryana Institute of Public Administration |
| Himachal Pradesh Institute of Public Administration |
| Institute of Public Enterprise, Hyderabad |
| Institute of Management in Government |
| Institute of Management, Public Administration & Rural Development |
| Dr. MCR HRD Institute of Andhra Pradesh |
| Mahatma Gandhi State Institute of Public Administration |
| Noronha Academy of Administration & Management |
| Rajasthan State Institute of Public Administration |
| State Academy of Training |
| State Institute of Public Administration and Rural Development |
| Sri Krishna Institute of Public Administration |
| Sardar Patel Institute of Public Administration |
| Uttarakhand Academy of Administration |
| UP Academy of Administration and Management |
| Union Territory Civil Services |
| Yashwantrao Chavan Academy of Development Administration |

In fact, the government looks toward the teachers of public administration to fill gaps in the issues pertaining to public policy. Unless teachers strengthen their role as researchers and consultants to the art of public administration, the future of public administration in India seems bleak.

The practitioner of public administration governing the public institutions is oblivious of the larger social and economic issues that have led to the compartmental approach toward development, leading to less coordination and more conflicts. The practitioner is conformable in the world

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of processes and practices and is rarely interested in transferring learning to the students of public administration in various institutes and universities. Therefore, a wide gap exists between what is being taught and what is being practiced. Muttalib (1987) emphasized the need for the interaction of experience and knowledge, and it is through such an interaction that public administration remains a vibrant means of public service.

The students are more interested in public administration because it is one of the optional subjects for the civil services examination. The most pitiful dimension is that those students who study public administration in colleges and universities fail to crack such examinations, and those who have never studied public administration either at the college or university level opt for public administration and pass the civil services examination. The point to be discussed here is that the teacher, the practitioner, and the student have widely different perceptions of public administration.

Therefore, the need of the hour is to reinvent public administration from a theoretical and a practical standpoint by being cognizant of the issues that have forayed in the twenty-first century. Reinventing public administration is today perceived as a global necessity, but its need is all the more pressing in the case of countries such as India (Maheswari 1996). Hence, the focus needs to be more on bridging the gap between theory and practice on the one hand and enhancing the status of public administration as a tool for delivery of services on the other. It is the reinvention of public administration from this sense that really adds value to the lives of the students and the citizens.

## 2.8 Conclusion

Public administration in India has been witness to many historical changes and upheavals that have ripped apart the country from time to time; of course, every change has brought in some new dimension to the practice of public administration. Different rules have contributed something or the other to the institution of public administration, right from ancient times to the modern times, and it is such contributions that have led to the gradual establishment of the institution of public administration in India. The successful functioning of the parliamentary democracy at the central, state, and local level on the one hand and the spread of the public administration network to every part of the country on the other are synonymous with a peaceful and progressive coexistence of public administration with diverse social, cultural, and economic conditions. Although there are a myriad of issues that have been plaguing public administration (e.g., improving efficiency and service delivery and bringing in greater transparency, accountability, and responsiveness in the system), efforts are on to mitigate these issues and make public administration more citizen centric and make it a tool for the delivery of goods and services.

## References

Avasthi, A., and Avasthi, A.P. (1990). *Indian Administration*. Lakshmi Narian Agarwal, Agra, India.

Bava, N. (1985). Changing role of bureaucracy in India. *Indian Journal of Public Administration*, 31(2): 275–294.

Bradley, P. (1959). Potentials of public administration research in India. *Indian Journal of Public Administration*, 5(2): 163–173.

Chakrabarty, D. (2007). In the name of politics: Democracy and the power of the multitude in India. *Public Culture*, 19(1): 35–57.

Dwivedi, O.P. (1995). Reflections on moral government and public service vocation. *Indian Journal of Public Administration*, 41(3): 296–306.

© 2010 Taylor & Francis Group, LLC

Haragopal, G., and Prasad, V.S. (1980). Syllabus modernization in public administration. *Indian Journal of Public Administration*, 24(2): 347–358.
Maheshwari, S. (1987). Training for administrators in India. *Indian Journal of Public Administration*, 33(2): 242–261.
Maheshwari, S.R. (2002). *Administrative Reforms in India*. Macmillan, New Delhi, India.
Maheswari, S.R. (1996). Re-inventing public administration in India: The challenge of liberalization. *Indian Journal of Public Administration,* 42(3): 392–406.
Muttalib, M.A. (1987). Academic culture of public administration—The Indian experience. *Indian Journal of Public Administration*, 33(2): 177–198.
Patel, H.M. (1996). The civil servant and the public. *Indian Journal of Public Administration*, 6(2): 125–130.
Sadasivan, S.N. (1987). Training for administrative excellence. *Indian Journal of Public Administration*, 33(4): 833–844.
Sharma, M.P., and Sadana, B.L. (1994). *Public Administration in Theory and Practice*. Kitab Mahal, Allahabad, India.
Singh, B.P. (1983). Culture and administration: A study of interaction as a means of social change in India. *Indian Journal of Public Administration*, 29(1): 19–27.
Vajpeyi, S.C., and Kaul, P.K. (1993). Politician–civil servant relationship. *Indian Journal of Public Administration*, 39(1): 29–45.

## Suggested Readings

Armstrong, M., and Baron, A. (2002). *Performance Management: The New Realities*. Jaico Publishing House, New Delhi, India.
Bajaj, J.L., ed. (2001). *Indian State in Transition*. National Council of Applied Economic Research, New Delhi, India.
Barber, B.R. (1998). *A Place for US: How to Make Society, Civil Society and Democracy Strong*. Hill and Wang: New York.
Bardhan, P. (1984). *The Political Economy of Development in India*. Oxford University Press, New Delhi, India (expanded edition in 1998).
Blunt, P. (2006). Public administrative reforms and management innovation for developing countries. Available at http://unpan1.un.org/intradoc/groups/public/documents/un/unpan006226.pdf.
Cain, P.J., and Hopkins, A.G. (1993). *British Imperialism: Innovation and Expansion 1688–1914*. Longman, London.
Chand, M. (2006). Bureaucracy set for major makeover: Cabinet secretary. Available at http://in.news.yahoo.com/050329/43/2kflv.html.
Chandra, A. (2006). Yes, Prime Minister: Road ahead for reform of Babudom. Available at http://timesofindia.indiatimes.com/articleshow/717906.cms.
Das, S.K. (1991). *Civil Service Reform and Structural Adjustment*. Oxford, New Delhi, India.
Debroy, B., ed. (2004). *Agenda for Improving Governance*. Academic Foundation, New Delhi, India.
Dwivedi, O.P., and Mishra, D.S. (2007). Good governance: A model for India. In A. Farazmand and J. Pinkowski, ed., *Handbook of Globalization, Governance and Public Administration*. Taylor & Francis, New York.
Emery, Y. (2004). Rewarding civil service performance through team bonuses: Findings, analysis and recommendations. *International Review of Administrative Sciences*, 70(1): 157–168.
Ingraham, P., and Rosenbloom, D., eds. (1992). *The Promise and Paradox of Civil Service Reform*. University of Pittsburgh Press, Pittsburgh, PA.
Jenkins, R.S. (1999). *Democratic Politics and Economic Reform in India*. Cambridge University Press, Cambridge, UK.
Ketelaar, A., Manning, N., and Turkisch, E. (2007). Performance-based arrangements for senior civil servants OECD and other country experiences. *OECD Working Papers on Public Governance* 2007/5, OECD Publishing. doi:10.1787/160726630750.

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King, C.S., Felty, K.M., and O'Neill, B. (1998). The question of participation: Towards authentic public participation in public administration. *Public Administration Review*, 58(4): 317–326.

Kovach, H., Neligan, K., and Burall, S. (2003). *The Global Accountability Report: Power without Accountability*. The One World Trust, London.

Meenakshisundaram, S.S. (2003). Public services reform. Available at http://www.india-seminar.com/2002/514/514%20s.s.%20meenakshisundaram.htm.

Munshi, S., and Abraham, B.P. (2004). *Good Governance, Democratic Societies and Globalization*. Sage, Thousand Oaks, CA.

Munshi, S., Abraham, B.P., and Chaudhuri, S. (2009). *The Intelligent Person's Guide to Good Governance*. Sage, Thousand Oaks, CA.

Newland, C. (1992). The politics of civil service reform. In Ingraham, P. and Rosenbloom, D. (eds.), *The Promise and Paradox of Civil Service Reform*. University of Pittsburgh Press, Pittsburgh, PA.

Osborne, D., and Plastrik, P. (1997). *Banishing Bureaucracy: The Five Strategies for Reinventing Government*. Addison-Wesley, Reading, MA.

Pirie, M. (2006). India's Civil Service snoozes. Available at http://www.adamsmith.org/blog/archives/001009.php.

Punit, A. (2006). Administrative reforms in India: Need for systems approach to problem-solving. *International Public Management Review*, 7(2): 83–96.

Radin, B. (1992). Federal management and personnel policy. In Ingraham, P., and Rosenbloom, D. (eds.), *The Promise and Paradox of Civil Service Reform*. Pittsburgh, PA, University of Pittsburgh Press.

Schachter, H.L. (1997). *Reinventing Government or Reinventing Ourselves: The Role of Citizen Owners in Making a Better Government*. State University of New York Press, Albany, NY.

Segal, G.F., and Summers, A.B. (2002). *Citizens' Budget Reports: Improving Performance and Accountability in Government*. Reason Foundation, Los Angeles.

Singh, A., ed. (2005). *Administrative Reforms: Towards Sustainable Practices*. Sage, Thousand Oaks, CA.

Singh, S., and Singh, R. (2011). *Local Democracy and Good Governance Five Decades of Panchayati Raj*. Deep & Deep, New Delhi, India.

Subramaniam, V. (1996). Administrative legacy of ancient India in relation to modern public administration. *Indian Journal of Public Administration*, 42(1): 1–15.

Tarling, N. (2009). *Corruption and Good Governance in Asia*. Routledge, New York.

Timney, M.M. (1998). Overcoming administrative barriers to citizen participation: Citizens as partners, not adversaries. In C.S. King, C. Stivers, and collaborators, *Government is US*. Sage, Thousand Oaks, CA. pp. 88–101.

Tullock, G. (1965). *The Politics of Bureaucracy*. Public Affairs Press, Washington, DC.

U.N. Development Programme (UNDP). (2002). *UNDP Priorities in Support of Good Governance. Governance for Sustainable Human Development: A UNDP Policy Document*. UNDP, New York.

Venkitramanan, S. (2006). Second Administrative Reforms Commission: Another chance for change. Available at http://www.blonnet.com/2005/04/18/stories/2005041800170900.htm.

World Bank. (2002). *The Judicial System. World Development Report 2002*. World Bank, Washington, DC.

World Bank. (2002). *Good Governance: The Business of Government*. World Bank, Washington, DC.

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# *Chapter 3*

# Public Policy Processes and Citizen Participation in India

Dolly Arora

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## 3.1 Introduction

This chapter examines the manner in which public policy was shaped in postindependence India. Having attained independence in 1947, India opted for a federal polity with division of policy-making and execution powers between the union (generally referred to as "center") and states and an independent judiciary. India also opted for the parliamentary form of democracy, incorporating the principles of elected legislatures and executive accountability to the legislature at each level of government. While taking note of the significance of the formal institutions and structures of state in shaping policy, the nature and consequences of policy are greatly shaped in India by formal and informal patterns of influence that emanate from state and society. Meaningful understanding of the policy process in India also requires understanding of the complex dynamics of its state–society relations. There exists a wide range of positions and interests that find expression in various mechanisms and techniques that affect policy statements, as well as their evasion, manipulation, and distortion.

This chapter first discusses the basic institutional framework for policy-making that exists in India. Section 3.3 then examines the dynamics of the state–society interface, its mechanisms, and effects, as these are manifested over time. Section 3.4 analyzes the bearing of political dynamics on



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broad policy shifts over the years. Section 3.5 discusses the new opportunities created for citizen participation in recent years. Section 3.6 concludes this chapter with some observations that flow from the chapter.

Theoretically, this chapter is inspired by three basic propositions. First, any study of public policy process needs to liberate itself from the confines of formally adopted policy statements to capture the organization of policy issues and their emergence as policy agenda. It must also look into the processes that contribute to the evasion of policy issues even when these later emerge as significant issues. Second, the processes of policy redefinition, including manipulation and distortion in policy implementation, need to be examined to understand how policy is often reduced to only a symbolic existence. Third, it is important to go beyond implementation to examine its effects, not only in terms of policy goals and identified target groups but also the unanticipated and unaccounted effects, which reflect the disconnect between policy and its objectives. Processes of monitoring and evaluation of policy effects also provide a key to understanding when and why policies are altered, abruptly terminated, vigorously implemented, or retained only in a superficial manner. All of the above are readily present in India.

## 3.2 Institutional and Political Frameworks of Public Policy Processes in India

After independence in 1947, India chose a federal polity consisting of the union (called "center"), states, and an independent judiciary. The Indian Constitution provided for three "lists" that earmark the subjects of legislative jurisdiction of the center and states and conditions under which these could be altered. The original arrangement specifies 97 subjects under the union list, including defense, foreign affairs, currency, income tax, excise duty, railways, shipping, posts and telegraphs, among others, for which the union has the sole power to legislate; 66 subjects under the state list, including public order, police, public health, communications, agriculture, taxes on entertainment and wealth, sales tax, and octroi, among others, on which, under normal circumstances, state governments were to legislate; and 47 subjects on the so-called "concurrent" list, such as electricity, newspapers, criminal law, marriage and divorce, stamp duties, trade unions, price controls, among others, on which the center and states may legislate. In the case of conflict, central law prevails. Residuary powers are vested with the center. The unitary inclinations of Indian federalism are evident in the special powers vested with the center to assume powers over subjects on the state list in specific states or the entire country, as in the case of declaration of external or internal emergency or in the case of declaration of the constitutional breakdown of state machinery. Over the years, as a result of constitutional amendments, some subjects on the state list were moved to the concurrent list, and some got added to the central list, thereby increasing the powers of the center.

India has a parliamentary democracy that involves elected legislatures (at different levels of government) and executive accountability to these legislatures. The president of India is the constitutional head of the executive branch of the union, and Article 74(1) of the Indian Constitution provides for a council of ministers, with the prime minister as its head to aid and advise the president. Parliament is the supreme law-making body of the union. Per Article 79 of the Indian Constitution, the parliament of the union consists of the president and the two houses—Lok Sabha (the House of People) and Rajya Sabha (Council of States). A bill becomes a law only after it is passed by the houses of parliament and the assent of the president is obtained. Members of Lok Sabha are directly elected, on the basis of universal adult suffrage, for a period of 5 years. Rajya Sabha, or the Council of States, is meant to be the federal chamber, but states do not get equal

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representation in the house. Instead, members are indirectly elected for a 6-year term by the elected members of state legislatures. Twelve members are also nominated by the president for meritorious service to society. Rajya Sabha is a permanent house because one-third of its members retire after every second year. An ordinary bill is passed by both houses, and, in case of dispute, it can be passed in a joint setting by a majority of the total members of both houses present and voting. Although both houses are equal with respect to certain powers, Lok Sabha enjoys more powers on money matters than the Rajya Sabha, which can neither introduce it nor amend or withhold it longer than 14 days. It can only recommend amendments, which may or may not be accepted by Lok Sabha. However, Rajya Sabha has certain special powers; for instance, it can authorize the parliament if it considers it "necessary or expedient in national interest" to legislate on a matter in state list for the whole or any part of the territory of India for 1 year, extendable further. In some other financial matters, both of the houses are treated equally. A constitutional amendment can be passed in accordance with the procedure laid down by the constitution, which varies with subjects involved, requiring a simple or two-thirds majority of parliament and/or the approval of the states.

The constitution was amended in 1992 to introduce a third tier of government. The 73rd and 74th constitutional amendments provided for elected local bodies in rural and urban areas. On the rural side, there are elected Zila Parishads at the district level, Panchayat Samitis at the block level, and Gram Panchayats at the village level. There is also a Gram Sabha or the village assembly of all at the village level. On the urban side, big cities have city corporations, cities have city municipal committees, and towns have town municipal committees. Some smaller states have two tiers of local government, and there are autonomous district councils in some tribal areas (see Figure 3.1). The Eleventh and Twelfth schedules of the Indian Constitution provide the list of subjects that

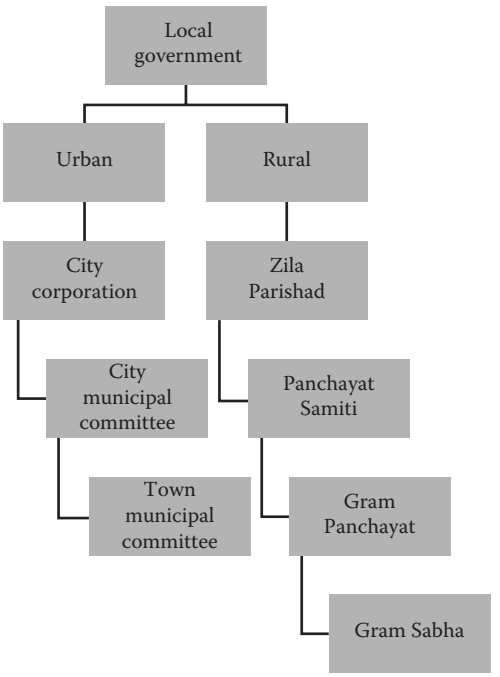


**Figure 3.1 Framework of local government after 73rd and 74th constitutional amendments.**

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have to be devolved to these local bodies—these include civic amenities and developmental works. However, the precise extent of devolution to these bodies varies across states, depending on the actual steps taken by the state for devolution of functions, functionaries, and funds.

The organizational structure of the Government of India includes ministries, departments, and executive agencies called attached or subordinate offices where execution of policies requires decentralization of executive action and/or direction (see Figure 3.2). There are also many

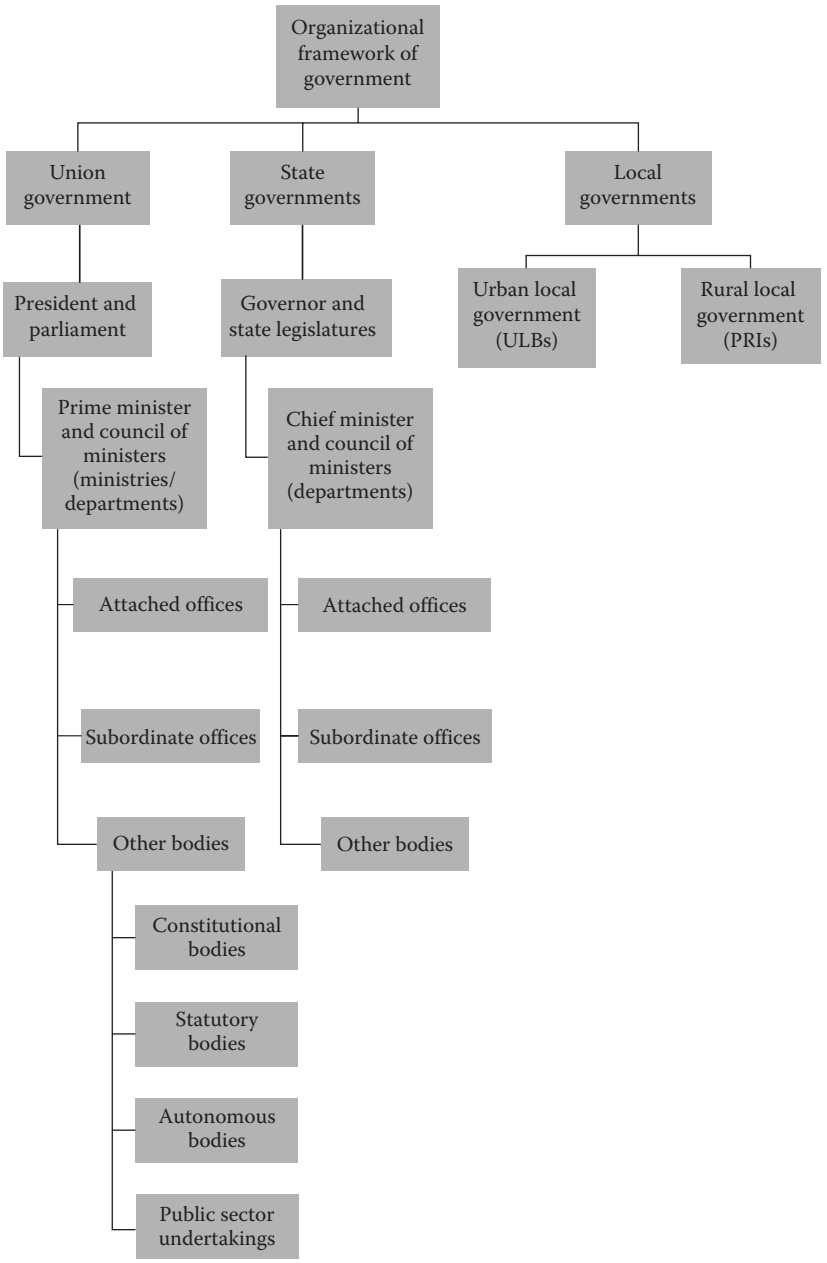


**Figure 3.2 Organizational framework of government in India.**

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organizations—constitutional bodies, statutory bodies, autonomous bodies, and public sector undertakings—to perform the specific functions assigned to them. Similar arrangements also exist at the state level. The personnel (administrative) system consists of central and state services. These include the All India Services, serving central and state governments; central services, the members of which serve only the central government; and state services, which serve only the state governments. Within the broad generalist framework, civil servants at the center may specialize in certain areas. The overall framework is a merit-based civil service with objectivity, political neutrality, and the security of job tenure. The administration is accountable to the political executive, and the ministries and departments are headed by the ministers, assisted by the secretaries. The ministers are accountable to the Lok Sabha, and the constitutionality of government decisions can be examined by the judiciary, which also protects the citizens against any violation of fundamental rights provided by the constitution. Parliamentary accountability of government is also exercised through an elaborate system of parliamentary committees, including standing committees and ad hoc committees, which produce reports for the parliament to take action on and on which government has to table an action-taken report in the house. Parliamentary debates and parliamentary questions also play a significant role in the process. Similar arrangements also exist at the state level.

The political framework of democracy and the existence of a multiparty system have significantly influenced the politics–policy dynamics over the years. There are 7 national political parties and 37 state parties represented in the present Lok Sabha. As many as 363 parties participated in the 2009 election (see Table 3.1). The number of elected seats as well as the vote share of state parties has increased over the years. The initial years of postindependence India witnessed the dominance of the Indian National Congress (INC) party in most parts of the country, largely because of its role in mobilizing people during the nationalist struggle for independence. The INC party emerged as the majority party at the center in the first five general elections (see Table 3.2). Until about the mid-1960s it also formed the government in most states of India. This virtually gave it a dominant role in determining the broad framework of policy at the center as well as in most states. The rise of regional political parties in many states during the mid-1960s altered the cooperative nature of federal functioning quite significantly, giving rise to conflicting pressures from states on several policy issues.

The first non-INC government at the center was formed in 1977 when the Janata Party was formed through a merger of different parties. The unity did not last long, and INC returned to power in 1980. Several new and existing regional parties began to assume a significant role in national politics because alliances were the determinants of power when no party managed to get a clear majority. In 1989, after a gap of 9 years, the nine non-INC parties assumed power under the banner of the National Front, but the alliance collapsed within 2 years. From 1991 to 1996, INC again led the government at the center. It is interesting to note that the 1990s saw the unprecedented growth of alliance politics based on pre- or postelection alliances around a minimum agreed program at the center as well as in several states. The National Democratic Alliance (NDA) led by the Bharatiya Janata Party (BJP), which formed the government between 1999 and 2004, had 25 partiers in it. INC forged an alliance with 16 smaller parties and led the government in 2004. A good number of state parties shared power at one point or the other at the state or national level (Tables 3.3 and 3.4). The names of various parties in India is expanded in Table 3.5. All of this has redefined the functioning of federalism in India. From a strong centralist thrust, it has moved toward a state-centered federalism, in which state parties are able to influence the politics and policy agenda at the national level far more significantly than the constitutional framework would indicate. However, the position taken by the state parties varies according to their dependence on alliances in their states.

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**Table 3.1 Political Parties and the Lok Sabha Elections: 1951–2009**

| *Lok Sabha* | *Year of Election* | *Number of Parties Contesting Election* | *Number of National Parties* | *Number of Parties Represented in Parliament* |
|---|---|---|---|---|
| 15th | 2009 | 370 | 7 | 37 |
| 14th | 2004 | 230 | 6 | 40 |
| 13th | 1999 | 169 | 7 | 39 |
| 12th | 1998 | 176 | 7 | 39 |
| 11th | 1996 | 208 | 7 | 28 |
| 10th | 1991* | 145 | 9 | 24 |
| 9th | 1989 | 117 | 8 | 24 |
| 8th | 1984** | 38 | 7 | 21 |
| 7th | 1980 | 36 | 6 | 17 |
| 6th | 1977 | 34 | 5 | 18 |
| 5th | 1971 | 52 | 8 | 24 |
| 4th | 1967 | 25 | 8 | 19 |
| 3rd | 1962 | 29 | 9 | 20 |
| 2nd | 1957 | 16 | 4 | 12 |
| 1st | 1951 | 55 | 8 | 22 |

*Source:* Election Commission of India, Statistical Reports of General Elections. Available at http://www.eci.nic.in/eci_main1/key_highlights.aspx.

*Elections for Punjab were held in 1992; **elections for Punjab and Assam were held in 1985.

The policy process has quite noticeably borne the effects of changing power constituents at these levels of government. Given the context of politics, they are arenas in which conflicting and cooperative processes influence policy by stalling or accelerating policy processes because of power shifts in many cases. In some cases, issues could be pushed with ease in little time because of the political process. In others, the resolution was difficult precisely because of this. Sometimes, the sanctity of the structure took primacy and impeded certain decisions until some other factors took over. For example, the issue of sales tax abolition did not find favor with states because of its effect on state resources (Arora 1993a). It took several decades to arrive at an agreement on the introduction of value-added tax (VAT). The recent debate on Lokayukta (state ombudsman) being set up through a central legislation brought out the concern for federal structure, and some opposition parties that ruled in some states refused to support the bill on this ground. Political parties have been a major mediating variable in this regard, although the ultimate key lies with the electorate.

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**Table 3.2 Seats Won by the Largest Party during 1st to 15th Lok Sabha Elections: 1951–2009**

| *Lok Sabha Election* | *Total* | *Seats Won by Largest Party* | *Largest Party* | *Majority Party* |
|---|---|---|---|---|
| 15th | 543 | 206 | INC | |
| 14th | 543 | 145 | INC | |
| 13th | 543 | 182 | BJP | |
| 12th | 543 | 182 | BJP | |
| 11th | 543 | 161 | BJP | |
| 10th | 534 | 244 | INC | |
| 9th | 529 | 197 | INC | |
| 8th | 541 | 414 | INC | √ |
| 7th | 529 | 353 | INC | √ |
| 6th | 542 | 295 | BLD | |
| 5th | 518 | 352 | INC | √ |
| 4th | 520 | 283 | INC | √ |
| 3rd | 494 | 361 | INC | √ |
| 2nd | 494 | 371 | INC | √ |
| 1st | 489 | 364 | INC | √ |

*Source:* Election Commission of India, Statistical Reports of General Elections. Available at http://www.eci.nic.in/eci_main1/key_highlights.aspx.

*Note:* See Table 3.5 for definitions for party abbreviations.

In addition to the fragmentation of powers due to the existence of a federal framework, formal policy-making power is also horizontally fragmented. At each level, there is a functional division of responsibilities across ministries, departments, and other organizations that not only results in diffusion of responsibility but also gives rise to the problem of coordination in policy-making. This has become even more difficult as the number and size of government ministries and departments increased from 16 in 1947 to more than 50 at present. The enormous scope for overlapping or conflicting jurisdictions because of the complexity of issues further complicates the processes involved. Interinstitutional interactions have invariably been a vital influence in the shaping of policy. This has not only created opportunities for the dominant political elite to play a decisive role as the initiator and the driving or delaying force of policy, especially in matters of defining the broad policy framework and orientation, but also with respect to several specific issues falling under the jurisdiction of specific decision-making agencies. Not surprisingly, many policy issues get referred to the group of ministers for resolution or linger for a long time because of a lack of agreement. However, this also results in the evasion of conflict-prone issues as well as implementation failures due to a conflict of interest.

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**Table 3.3 Seats Won by the National Parties, State Parties, Registered Unrecognized Parties, and Independents in the Lok Sabha Elections**

| *Lok Sabha* | *Total Seats* | *Seats Won by National Parties* | *Seats Won by State Parties* | *Seats Won by Registered Unrecognized Parties* | *Seats Won by Independents* |
|---|---|---|---|---|---|
| 15th | 543 | 376 | 146 | 12 | 9 |
| 14th | 543 | 364 | 159 | 15 | 5 |
| 13th | 543 | 369 | 158 | 10 | 6 |
| 12th | 543 | 381 | 101 | 49 | 6 |
| 11th | 543 | 403 | 129 | 2 | 9 |
| 10th | 534 | 478 | 51 | 4 | 1 |
| 9th | 529 | 471 | 27 | 19 | 12 |
| 8th | 541 | 462 | 66 | 0 | 13 |
| 7th | 529 | 485 | 34 | 1 | 9 |
| 6th | 542 | 481 | 49 | 3 | 9 |
| 5th | 518 | 451 | 40 | 13 | 14 |
| 4th | 520 | 440 | 43 | 2 | 35 |
| 3rd | 494 | 440 | 28 | 6 | 20 |
| 2nd | 494 | 421 | 31 | 42 | 42 |
| 1st | 489 | 418 | 34 | — | 37 |

*Source:* Election Commission of India, Statistical Reports of General Elections. Available at http://www.eci.nic.in/eci_main1/key_highlights.aspx.

The bureaucracy plays a significant role in India, especially affecting the effectiveness of policy in its implementation, as well as by initiating and shaping policy discourse through policy analysis. Bureaucracy often plays a subtle role in shaping policy by influencing the manner in which policy issues are organized or detailed rules are worked out. In the process, it manages to accommodate certain interests to the exclusion of certain others, thereby providing or denying them the opportunity to benefit from policy. Except when issues become politically contentious and active in the public domain, the capacity of bureaucrats to establish or alter their substance is quite significant. Their role has been particularly relevant with respect to regulatory policy, providing a good reason for certain powerful lobbies to rely on bureaucratic support to influence policy far more than by the politicization of issues or public debate. The influence of bureaucracy in implementation is well known and is commented upon in various evaluation studies. Manipulation and distortion of programs and schemes during implementation by overindulgence or underindulgence have often altered and redefined the meaning of policy. Benefits not reaching the target groups because of the wrongful exercise of discretion or identification errors have also been evident in many development programs. Upon investigation, such failures have often been attributed to the inefficiency and poor commitment of bureaucracy toward policy goals

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**Table 3.4 National Parties by the Number of Seats Won in Lok Sabha Elections: 1951–2009**

| *Year of Election* | *INC* | *BJP* | *CPI* | *CPM* | *BSP* | *NCP* | *RJD* | *JD (U)* | *SAP* | *JD* | *JP* | *AIIC (T)* | *JD (S)* | *LKD* | *ICS (SCS)* | *ICS* | *JNP* | *INC (U)* | *JNP (S)* | *BLD* | *BJS* | *NCO* | *PSP* | *SSP* | *SWA* | *JS* | *SOC* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2009 | 206 | 116 | 4 | 16 | 21 | 9 | 4 | | | | | | | | | | | | | | | | | | | | |
| 2004 | 145 | 138 | 10 | 43 | 19 | 9 | 24 | | | | | | | | | | | | | | | | | | | | |
| 1999 | 114 | 182 | 4 | 33 | 14 | 8 | 7 | 21 | | | | | | | | | | | | | | | | | | | |
| 1998 | 141 | 182 | 9 | 32 | 5 | | | | 12 | 6 | | | | | | | | | | | | | | | | | |
| 1996 | 140 | 161 | 12 | 32 | | | | | 8 | 46 | 0 | 4 | | | | | | | | | | | | | | | |
| 1991–1992 | 244 | 120 | 14 | 35 | | | | | | 59 | 5 | | 0 | 0 | 1 | | | | | | | | | | | | |
| 1989 | 197 | 85 | 12 | 33 | | | | | | 143 | | | | | | | 0 | | | | | | | | | | |
| 1984–1985 | 414 | 2 | 6 | 22 | | | | | | | | | | 3 | | 5 | 10 | | | | | | | | | | |
| 1980 | 353 | | 10 | 37 | | | | | | | | | | | | | 31 | 13 | 41 | | | | | | | | |
| 1977 | 154 | | 7 | 22 | | | | | | | | | | | | | | | | 295 | | 3 | | | | | |
| 1971 | 352 | | 23 | 25 | | | | | | | | | | | | | | | | | 22 | 16 | 2 | 3 | 8 | | |
| 1967 | 283 | | 23 | 19 | | | | | | | | | | | | | | | | | 35 | | 13 | 23 | 44 | | |
| 1962 | 361 | | 29 | | | | | | | | | | | | | | | | | | | | 12 | | 18 | 14 | 6 |
| 1957 | 371 | | 27 | | | | | | | | | | | | | | | | | | 4 | | 19 | | | | |
| 1951* | 364 | | 16 | | | | | | | | | | | | | | | | | | 3 | | | | | | |

*Source:* Election Commission of India, Statistical Reports of General Elections. Available at http://www.eci.nic.in/eci_main1/ key_highlights.aspx.

* Eleven of the 14 political parties that were represented in the First Lok Sabha but disappeared after that have not been mentioned here. See Table 3.5 for definitions for party abbreviations.

**Table 3.5 Names of the Parties**

| *Abbreviation* | *Party Name* |
|---|---|
| AIIC(T) | All India Indira Congress (Tiwari) |
| BJP | Bharatiya Janata Party |
| BJS | Bhartiya Jan Sangh |
| BLD | Bhartiya Lok Dal |
| BSP | Bahujan Samaj Party |
| CPI | Communist Party of India |
| CPM | Communist Party of India (Marxist) |
| ICS | Indian Congress (Socialist) |
| ICS(SCS) | Indian Congress (Socialist–Sarat Chandra Sinha) |
| INC | Indian National Congress |
| INC(U) | Indian National Congress (U) |
| JD | Janata Dal |
| JD(S) | Janata Dal (secular) |
| JD(U) | Janata Dal (united) |
| JNP | Janata Party |
| JNP(S) | Janata Party (secular) |
| JS | Jan Sangh |
| LKD | Lok Dal |
| NCO | Indian National Congress (ORG) |
| NCP | Nationalist Congress Party |
| PSP | Praja Socialist Party |
| RJD | Rashtriya Janata Dal |
| SAP | Samata Party |
| SOC | Socialist |
| SSP | Samyukta Socialist Party |
| SWA | Swatantra Party |

*Source:* Election Commission of India, Statistical Reports of General Elections. Available at http://www.eci.nic.in/eci_main1/key_highlights.aspx.

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(Arora 1993a, 1995). There have also been cases of effective policy for which the contribution of some bureaucrats has received appreciation (e.g., through the Prime Minister's Award for excellence in public administration).

The role of the judiciary in the policy process should not be underestimated. It has the power of judicial review and the power to interpret the constitution, and it has a growing role in public interest litigation (PIL), in which it has assumed a proactive role in issuing orders to the executive on policy matters. Judicial interventions provided redressal against executive or legislative actions on many occasions. The rapid increase of judicial activism in policy has been appreciated by many in recent years, but there are also staunch critics of this. However, the fact of the matter is that judicial decisions have also redefined and reviewed existing policy in addition to defining the direction and substance of fresh policy on issues not addressed by the legislative and executive. The initiative of the Supreme Court to direct the government to implement its guidelines, known as Vishakha guidelines, in all government organizations to address the issue of sexual harassment in the workplace until a law was enacted is an instance in point. There have been many cases of environmental issues in which government policy or its absence came in for criticism and the court directed the government to take specified action or take the initiative to formulate a policy to address a specific problem. However, more recently, when the Supreme Court, while hearing a PIL filed by the People's Union for Civil Liberties, directed the government to distribute foodgrain that was rotting in government godowns or rotting for lack of storage free to the poor and hungry and take certain measures it specified, the prime minister told the court in unambiguous terms that it should not get into policy formulation (*Times of India* 2010).

Finally, there are many specialized organizations in government, including autonomous organizations, that are assigned the task of policy-making on specific technical, economic, or other issues. Organizations, such as the Planning Commission, the National Sample Survey Organization, and so on, and more specialized research organizations, such as the National Council of Applied Economic Research, the Institute of Applied Manpower Research, the National Institute of Educational Planning and Administration, the Indian Institute of Public Administration, and so on, also undertake policy-related research, including evaluation of policy for the government, the results of which are sometimes utilized by the relevant policy-makers. Statutory commissions such as the National Commission for Scheduled Castes and Scheduled Tribes, the National Human Rights Commission, the National Commission for Women, and so on, also perform research on their own or through other research organizations on issues of concern to them and make policy recommendations to government, some of which also get accepted. There also exist oversight bodies such as the Comptroller and Auditor General of India (CAG) that have often produced reports related to government policy and its execution, following which serious rethinking on policy took shape or rectification of wrongs took shape. Often, expert committees or commissions are appointed to examine some issues. The Education Commission and Administrative Reforms Commission in the 1960s and the more recent Second Administrative Reforms Commission are examples of such exercises. There are also several other nonstate research organizations that undertake policy analysis or evaluation studies and influence the nature of policy discourse and its actual shape (Sudarshan 2009). Although all of these do carry some effect in shaping the policy content or improving its implementation or outcomes, it is important to admit that there is no definite link among research, analysis, and public policy in as much as policies are introduced, changed, or abandoned in an ad hoc manner, sometimes only to show symbolic concern for improving things. Nevertheless, the role of these organizations cannot be dismissed as completely irrelevant.

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## 3.3 Dynamics of State–Society Interface and Policy Processes

It is important to note here that even as state institutions play a significant role in defining the nature, patterns, and outcomes of policy, state-centered perspective on policy has limited explanatory potential in the Indian context. The complexity of policy processes in India cannot be understood without taking into account the dynamics of engagement with the policy process in wider society. However, given the complex sociocultural context of Indian society, marked not only by diverse or shared cultural, social, linguistic, religious, and political histories of people but also by diverse or similar political and administrative experiences, including the level of organization and social mobilization experiences, it is not difficult to understand that the extent and patterns of influences that emanate from society are far from being uniform. When one looks at specific processes of policy-making, one is confronted with a wide range of factors, such as the extent of organization and participation, the proximity or access to policy-makers, the nature of the issue and the scope of conflicts, alignments and indifference among stakeholders, or interest configurations induced by the manner in which issues are organized that account for this variation (Arora 1993b). This makes it important to understand the processes and mechanisms that enable specific interests to dominate the policy process to the exclusion of others in a given context while making it difficult for them to prevail in some other contexts.

India has a long history of political mobilization and associational life. However, associational life has been predominantly shaped along primordial ties of caste or tribal identity in many parts of India (Kothari 1970; Shah 2004a). Modern forms of interest-based organizations emerged where new forms of interests emerged, as in the case of business organizations and labor organizations during the industrialization process, or in case of professional associations as these professions developed. Modern institutions are often absorbed or built on existing forms of identity. However, new organizations of interest groups also emerged that worked for the pursuit of their members' economic interests. As policy interventions acquired a greater relevance in the lives of people, formation of issue-based organizations also assumed significance. Alongside the more organized interest groups, which engaged with the policy process with some regularity, groups came into existence or became active to influence some specific issue of concern, as in the case of people displaced by a development project. Over the years, strong public interest groups and new social movements emerged that advocated policy with the intent of furthering public good (Rudolph and Rudolph 1998; Shaw 2004b; Sudarshan 2009). The nature and patterns of participation in policy process have also undergone transformation over the years because of these developments.

Policy processes in India provide opportunities for formal associations of citizens and interest groups. For instance, at the legislative level, there exist formal provisions for such interaction at the select committee stage of various bills. The select committee extends an open invitation to all individuals and institutions that feel concerned with the legislative proposals under its consideration to send memoranda to the committee. After examining these memoranda, it can also summon some of them to give oral evidence before the committee. This provides an opportunity to the concerned citizens or groups to impress upon the legislators the need to examine their proposals or comments. However, because the recommendations of the select committee are not binding on the legislature, the scope for influencing policy through the select committee is limited. Therefore, resorting to informal interactions with legislators is quite frequent. Efforts to influence policy-making also take the shape of formal and informal interactions with members of other parliamentary committees, such as departmental standing committees, estimates committees,

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public accounts committees, public undertakings committees, informal consultative committees, and ad hoc committees assigned with some specific tasks. The number of such committees is quite large at most points in time.

There are also formal channels for interaction with the executive. Nonofficials are often associated in a representative or expert capacity with various consultative and expert committees, commissions, and councils that are formed at the initiative of government. These include statutory committees created by law and nonstatutory committees that are created by the executive itself to address specific issues of concern and make recommendations. However, the capacity of interests to influence policy-making through these committees is constrained because of such association being dependent on government choice. Therefore, informal interactions with relevant officials continue to be considered significant for the purposes of influencing policy. Memoranda, notes, briefs, and so on, are generally sent by the concerned citizens or interest groups to those in important positions in the executive—political and administrative. Frequent meetings, seminars, and conferences are organized to increase interactions on issues of concern and thereby influence policy positions.

However, consultative and associative processes of policy do not ensure equality of participation in policy-making for all interests who might be affected by the policy. The more organized and articulate interests are usually able to find a greater say than the rest of them, although conflicting claims of various participating groups limit their effectiveness through this method alone, making them consider also supporting their claims through other methods such as media publicity or interpersonal relations. However, the major limitation of associative mechanisms of policy process emerges from the fact of there being extreme resource disparities and an uneven level of organization or political mobilization of different interests in India, in which a large section of society does not find a place in the consultative framework of policy process and gets engaged with the policy process only as a matter of last resort in situations of desperation. As a result, more articulate and resource-endowed groups generally acquire an edge over others in influencing policy.

It is interesting to note that one also finds direct action methods of protest, demonstration, march, strike, sit-in, or even fasting to either mobilize public support or show existing support, thereby putting pressure for getting a policy accepted, altered, or withdrawn. These methods generally follow interaction methods, but sometimes these also precede interaction, especially if policy-makers do not allow access or have already taken a position that is considered unacceptable by a group. Such noncooperative participation in policy process is different from individual acts of defiance and involves collective processes of political participation. It has been frequently resorted to by organizations of workers and professional interests in public and private sectors. In the 1980s, an increased resort to such methods by agricultural interests for increasing agricultural support prices, as for sugarcane, was also evident. There have also been agitations of specific communities against certain policies. Protests by tribal and other village people against certain development projects have also taken this form in recent years. In many cases, such action implied an extension of policy process to the postdecisional stage and seeks a rethinking on policy. In some others, the effects went beyond specific decisions. For instance, the long agitation against the Sardar Sarovar dam evoked serious discussions on the development model itself and brought the issue of appropriate rehabilitation policy for the displaced, which had long been evaded, to the forefront of policy agenda.

In certain spheres of policy, such as environment, gender, trade negotiations, and so on, an increasing role is being played by social movements and public interest groups to challenge the patterns and processes of policy (Shah 2004b). Networking has acquired a prominent role in

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generating pressure to seek, modify, or resist a policy. Groups engaged in diverse activities or operating at different levels also join positions on issues of common concern. The recent agitation for legislation to set up the institution of Lokpal, or ombudsman, enjoyed the support of not only many nongovernmental organizations fighting against corruption but also those working on other issues. Furthermore, many unorganized people came forward for a show of support to the team led by a social worker of long standing, Anna Hazare. The team sat on a 12-day fast for getting their demand accepted by the government. The role of media, especially electronic media, including social media, influencing policy choice by shaping public opinion has also assumed new heights and was evident during this anticorruption movement. The legislation on this issue had been introduced several times in the last 40 years but could not be passed for some reason or the other. The pressure has eventually resulted in the bill being introduced in parliament after being discussed by the standing committee, which also collected evidence from various groups that were interested in the issue. However, even at present with the draft bill that has been introduced, the issue of parliamentary supremacy versus the appropriateness of direct agitation methods to shape the law is being debated widely. So too is the issue of parliament's right to provide for Lokayuktas for states in the wake of its bearing on the federal structure of the constitution.

Participation in the public domain or formal channels of interaction is not the only mechanism for influencing the policy process. Making use of informal channels of influence, relying on relations of exchange and reciprocity rather than formal assertions of policy position is considered a preferable strategy in many cases, especially when more sensitive and conflict-prone issues are involved. This is more often intended to avert public debate on the subject. Business interests in India, despite being among the most organized and articulate of various interests, have been known to evoke relations of exchange or reciprocity for seeking favorable interventions in the policy process. Donations to political parties and their candidates for election purposes, or even direct resort to kickbacks and bribes to favorably influence policy outcomes, have also been exposed from time to time by various commissions of inquiry set up by the government. Many instances of policy failure at the implementation level can also be traced to the widespread resort to corrupt ways by certain powerful interests in the society at large (Government of India 1968; Second ARC Fourth Report 2007).

However, there are many developments in the policy process that make the capture by vested interests difficult beyond a point. The recent developments that made the government reconsider its decision to approve the introduction of Bt brinjal (a variety of brinjal genetically modified to make it insect resistant), admitting the need for further study of its likely effects on human health and environment, revealed the relevance of the public domain in addressing issues that have contrary effects on different constituencies. The Government of India decided to support the recommendations of the Genetic Engineering Approval Committee (GEAC), set up by its Ministry of Environment and Forests, to regulate the research, testing, and commercial release of genetically modified crops, foods, and organisms and to allow the commercial release of Bt brinjal (a genetically modified variety of brinjal) in India after pronouncing it safe for human consumption. However, many civil society organizations and people's groups accused the GEAC of bypassing safety and environmental concerns and instead working to promote the interests of the international biotechnology industry. The committee was also blamed for allowing seed companies to keep secret the result of genetically modified field trials on the grounds that they were entitled to protect their intellectual property. However, a Delhi High Court ruling in March 2008 that trial data must be revealed under the country's Right to Information (RTI) Act brought to light uncomfortable facts about Bt brinjal and generated widespread resistance.

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Strong protests and resistance soon compelled the Government of India to seek wider public comment.

The environment minister announced that a "careful, considered decision in the public and national interest" would be made before Bt brinjal was released. Additional consultations with scientists, farmers' groups, nongovernmental organizations (NGOs), and other stakeholders were promised. After collecting feedback from scientists, state governments, and the public, including farmers, through a series of seven public consultations, the ministry decided to adopt a cautious, precautionary principle-based approach and to impose a moratorium on the release of Bt brinjal, until such time that independent scientific studies establish, to the satisfaction of the public and professionals, the safety of the product from the point of view of its long-term effect on human health and environment, including the rich genetic wealth existing in brinjal in the country. The effect of public discussions and public participation to express resistance was possible because of the strength of public domain in India, established through strong civil rights movements as well as legislation for the RTI. Active mobilization, public meetings, and discussions at local levels were quite instrumental in making a rethinking first at the level of certain state governments, and at the center, possible on an issue that had the capacity to favor some interests at the cost of others. The role played by public resistance from small retailers and the position taken by several state governments in making the government change its position on the issue of Foreign Direct Investment in retail is another instance in point.

It is significant to note in this context that even as one acknowledges that the existing knowledge-power complex (which conditions policy discourses in favor of the technoeconomic knowledge without regard for traditional knowledge systems), and even as large sections of society do not form part of any formal associations that engage with the policy process, it would be inappropriate to completely rule out their relevance in the shaping of public policy in India. Although the influence of the vast sections of unorganized people of India on the specific decisions of state is not easy to trace to any specific engagements with the policy process, and many specific concerns that bother them do indeed remain evaded by the policy process, eventually the broad contours of policy do carry an imprint of their dominant concerns, if only through the electoral process that is the strength of Indian democracy.

## 3.4 Political Dynamics and Broad Policy Shifts

Electoral politics have invariably influenced the broad framework of policy, often affecting the very approach of the state to addressing policy issues, evident in preferences regarding the patterns of policy, if not the specifics of policy. This also impinges upon the ability of policy-makers to remain indifferent to certain issues or render policy to a mere symbolic existence (Arora 2002). The initial years of independent India saw a clear preference for a strong state, capable of providing the much needed push to industrialization, which was regarded as the assured road to development. At the same time, the state also opted for a regulatory as well as a protective approach to the private sector that was based on scale, areas of operation, and even location. Providing support to community-based development was adopted to address the needs of much of the rural population. The vision of a well-developed India that would provide for the needs of one and all dominated the official policy discourse during this phase. This also reflected the existence of a vast constituency of diverse interests seeking to be accommodated by the state in its policy priorities. The need to balance competing interests was considered important by the ruling party despite being in the clear majority at the center and in most states. However,

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this vision could be managed more at the level of policy statements than policy outcomes. Many policies continued to have antiwelfare consequences for the most vulnerable people. Although some of these were unanticipated and flowed from the limited knowledge available at that time, as in the case of fallouts of development projects, many of these were unaccounted and, in the absence of critical voices, were easily excluded from the policy analysis (Arora 1995). The assertion of oppositional discourses and delivery failures raised serious issues for rethinking policy as well as the reasons for failure to deliver the policy promises. Growing poverty and the restlessness of people with the performance of government resulted in the shifting of support base toward oppositional forces.

By the mid-1960s, with the rise of opposition-ruled states, questions about approach as well as mechanisms of policy became significant electoral issues at the national level. Bureaucracy became a target for policy failures, and the issue of administrative reforms assumed significance. The First Administrative Reforms Commission was set up to deliberate on the nature of reforms needed to ensure that the administration was able to fulfill the promises of policy. At the same time, the failure of regulatory policy to prevent concentration of economic power raised questions about policy capture and corrupt misuse of discretionary powers (Government of India 1969). The worsening food situation in the mid-1960s also led to some rethinking on the issue of agricultural growth and food self-sufficiency. The adoption of the green revolution strategy also favored the landholding rural elite with subsidized inputs and further marginalized the rural poor without enough resources for investment in agriculture.

The advocacy of more direct approaches to address poverty reduction as the dominant policy agenda in the 1970s became instrumental in the mobilization of electoral support. Policy attention turned more toward the poverty alleviation programs and welfare schemes for the weak and the marginalized in the 1970s. Even the short interface with emergency in the mid-1970s, which saw the repression of democratic freedoms, was marked by an accent on poverty alleviation programs. However, policy outcomes defied the promise of these policies and programs because poverty and vulnerability remained a daunting problem. Economic growth began to assume greater attention, and bureaucratic corruption was seen as a major challenge. Some experiments with liberalization began during this period. Corruption also came to be seen as a major hurdle that prevented the flow of funds to the poor. Attention now moved toward decentralization, the setting up of elected local government institutions, and devolution of power to these for ensuring that programs served the needs of people and also took care of the local concerns. The Indian Constitution's 73rd and 74th amendment acts created the ground for devolution of powers to the elected local institutions. The process started with states passing their conformity legislation delegating some of their powers and making provisions for effective devolution. The actual extent of devolution varied across states, with many states showing reluctance toward the devolution of functions, functionaries, and funds, although some of them made significant headway.

By the beginning of the 1990s, the worsening economic conditions, resource crunch, and growing dependence on external assistance changed the policy scenario. Policy came to be increasingly influenced by external pressures. The adoption of a structural adjustment program under pressure from multilateral aid agencies saw a major policy shift toward "reforms" driven by economic liberalization. This phase saw a reorganization of institutional jurisdictions of state, market, and civil society institutions, with increasing load-shedding by the state in favor of the private sector on the one hand and the nongovernmental sector on the other. A preference toward public sector disinvestment, reduction of subsidies, opening up of most of the reserved sector activities to the private sector, public–private partnerships, liberalization of trade, and

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engagement of nongovernmental organizations for implementation of programs and schemes clearly flowed from the Samata Party and World Trade Organization commitments. Some states also moved very rapidly toward this pattern of policy reforms. This pattern of economic management created mixed effects, with some constituencies of beneficiaries but also many losers because of negative fallouts, especially in the wake of increased emphasis on cost recovery and user charges that took many public services beyond the reach of the poor and further alienated them (Arora 2001, 2007).

Despite efforts to assert concern to provide citizen-centric administration, as through the adoption of citizen charters, the setting up of information and facilitation counters and public grievance redress mechanism in the ministries, and departments and organizations of the Government of India, these half-hearted initiatives and exercises turned out to be mere symbolic gestures, quite ineffective in improving service delivery in the absence of assured redress and compensation provisions (Arora 2008a, 2008b, 2008c). Electoral backlash, including in the states that appeared to have gone faster with this pattern of "reforms," created grounds for rethinking over the policy shift once again. Accent on monitoring and outcomes to improve the performance of state organizations saw the institution of mechanisms such as the Results Framework Document for each organization to undertake a review of its performance in terms of the measurable performance criteria that it sets for itself; introduction of memorandum of understanding in case of public sector enterprises to reduce political interference in their day-to-day management; and process re-engineering and citizen participation by making use of IT innovations.

Although most of these initiatives are quite recent and have yet to show much of the results expected of them, these did provide a ground for resetting expectations from the state. There also emerged a strong civil society, which not only engaged in policy implementation, as entrusted by the state, but also raised policy issues quite vigorously. Research studies emanating from civil society organizations throwing light on the problems, policies, and possibilities of improvement have also grown in recent years. In addition, the findings of these analyses are utilized by them to generate pressure for policy promotion or change during the policy consultations held by policymakers and by way of direct action methods (Sudarshan 2009). Demands and policy critiques from civil society institutions, especially when these enjoyed public trust and further mobilized public support through an active use of media, made it indispensable for the state to bring citizen concerns back on the policy agenda.

## 3.5 New Opportunities for Citizen Participation

Since the 1980s, one finds a growing accent on engaging citizens in the process of policy implementation. Beginning with the efforts aimed at wasteland development, the relevance of community involvement has been stressed, and groups that could engage the community for achieving the objectives of policy were provided assistance by the state. The adoption of the Joint Forest Management program in the beginning of the 1990s was an official admission of people's role in forest management practices and their rights in forests. This was indeed a significant beginning toward the new approach to people's rights (Arora 1994). The formation of user groups for management of water resources, the associations for participatory local development initiatives, and so on, were liberally supported at a time when the state itself was losing credibility with funding agencies. The emphasis on self-help groups in the employment generation programs for the poor has seen the growth of self-help groups across the country, many of them engaging women in the process. A new phase of partnership of state with the voluntary or nongovernmental sector

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has emerged more recently. The Planning Commission set up a voluntary action cell that provided assistance to voluntary groups that engaged in implementation of government programs and policies at local levels. Later, this took the form of a government–NGO partnership system, which was adopted by nine ministries/departments of the Government of India—these get many of their programs implemented through the NGOs. The Web site managed by the Planning Commission provided exposure to many NGOs which opted to sign up in the Web site. The expectation that this would increase transparency and affect corruption in implementation, however, remained unrealized both because many NGOs are known to have indulged in corruption and were eventually blacklisted, but also because the corrupt bureaucrats acquired new sources of rent seeking, involved in allocating funds to the NGOs. Of course, this is not to minimize the contribution of numerous voluntary groups that continued to serve the cause of the people with or without government support through policy advocacy, monitoring, and evaluation exercises as well as through their own programs of development.

In the wake of active civil society engagement with policy processes, some other important initiatives that have significantly altered the very nature of citizen engagement with policy found their way. A major landmark in this regard has been the passing of the RTI Act in 2005. This legislation, with its elaborate framework of institutions and rules, has created the much valued space for people's right to engage with the policy processes, including the implementation, monitoring, and evaluation processes, and made it possible to bring the issue of accountability of state institutions to the center stage of policy discourse. There is little dispute that this legislation has made an immense contribution toward making governance transparent and open to public vigil by making it obligatory for the concerned officers to provide the information sought under the act within the stipulated time frame and providing for appeals and action in case of failure to comply. Government organizations are also required to be proactive in sharing information with citizens. To further its utilization, several capacity-building programs have also been organized for the public servants, and guidebooks have been prepared for the use of government officials and the public. Most ministries have started placing significant information about laws, policies, rules, regulations, responsible officers, and so on, on their respective Web sites. The press and electronic media have also increased public awareness in this regard.

Evidently, the effectiveness of the RTI legislation in increasing people's participation in the very shaping of policy agenda is also quite significant. However, its effectiveness and impact have varied across regions and local contexts, depending on the extent of awareness and demand side as well as responsiveness or supply side. Where officialdom has been evasive, the number of appeals and pendency are also growing. Implementation produces have varied effects because of varied demands and supports. The legislation has itself created opportunities for new policy interventions, with demand for whistle-blower protection, public grievance redressal, and so on, which are under the active consideration of government because of growing civil society pressure.

Social audit is yet another important policy innovation that requires discussion here because it has effectively institutionalized participation by way of its incorporation in government programs to ensure transparency and accountability of policy process through engagement of citizen groups. For the first time in India, the National Rural Employment Guarantee Act of 2005 provided to the citizens the right to conduct an audit of the schemes and grievances under the act. Thus, citizens can demand the documents concerned with the schemes and conduct an open audit of the works performed. The act makes it obligatory for the Gram Panchayat (village council) to make information (e.g., muster rolls, measurement books, bills, vouchers for the work performed) available for social audit by the Gram Sabha (village assembly), which works as the social audit forum. Regular 6-month audits have been provided for. Public valance and verification of 11 stages of

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implementation of schemes has also been provided for by the legislation. This has the potential to change the contours of the state–citizen relationship, if only the latter choose to be assertive of their rights. The working of these mechanisms has been reviewed by the Second Administrative Reforms Commission (ARC), which was constituted in 2005 to suggest reforms, and important recommendations for improvement have been offered (Second ARC First Report 2006a; Second ARC Second Report 2006b). There is also a growing demand for further strengthening of the provisions of social audit as well as for making social audit mandatory for all government programs and policies (Arora 2010).

The Second ARC has also examined the issue of a citizen-centric administration. Its Twelfth Report made several other recommendations toward making administration citizen centric; significant among these is the recommendation regarding citizen engagement with the policy processes and making citizen's charters with clear commitments of service delivery and compensatory provisions mandatory for all organizations. Government has given its approval in principle to several of its suggestions, although much remains to be done before these can be put into effect. For instance, the government has accepted its recommendation regarding the introduction of suitable mechanisms to invite suggestions from citizens and introducing incentives and rewards to acknowledge suggestions that lead to significant savings. A fool-proof system of registration of a time schedule for response and resolution and use of information technology to make the system accessible to the citizens are other suggestions that have found favor with government (Second ARC Twelfth Report 2009).

Although several reform initiatives taken under the spell of new public management aimed at reducing the role of politics in the management of economy and tried to expand the role of the private sector in various forms, citizen expectations from the state for service delivery have remained, given the persistence of poverty amidst growth. Civil society pressure for greater engagement with citizens and demands for the institution of participatory processes in the shaping of policy agenda, defining policy content, monitoring its implementation, and evaluating its effectiveness has also made it difficult for the policy-makers to dismiss the issue. There has also been a growing realization among the policy-makers that given the democratic framework of polity, the very legitimacy of the state rests in its ability to respond to the basic needs of people, which include food, water, shelter, health, education, and most importantly employment. It is not surprising that amidst the context of intense debate on measurement of poverty, policy discourse has moved toward a rights framework in which the right of citizens to these services is legally recognized and institutional mechanisms for delivery are sought to be created. Alongside, there is a growing demand for comprehensive reforms in legal, electoral, administrative, and judicial systems to improve administration and service delivery and to rid the system of corruption.

It is not surprising that policy discourse in India has been wavering between the competing claims of various interests, evident in assertions of efficiency, effectiveness, and autonomy on the one hand and equity, citizen centricity, and accountability on the other. These widely divergent concerns of different stakeholders in the complex socioeconomic context of Indian democracy manage to grow simultaneously as long as these find expression in distinct spheres or activities without any direct conflict becoming manifest. The problem emerges when contradictions grow and accommodation becomes difficult. However, evidence suggests that democracy does work to ensure that people return to set the policy agenda and "reforms" discourses reshape through an active and persistent engagement with the people themselves. However, within the broad framework, the specifics are often captured by the resource-rich, vocal, and the more assertive interests who dominate the structures of power unless they are challenged in the public domain and political discourse reconnects policy to the people's concerns.

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The question that becomes pertinent at this point is, "Are the existing policy processes adequate to address the challenges facing the country?" The challenges of a highly diverse country, with wide disparities based on identity (caste, tribal, linguistic, religious), economic resources, political articulation, and institutional access are bound to be complex. To expect policy interventions that may alter this context and move toward a just system in which gains of development are shared is fully justified. Seeking solutions to policy in the domain of rational policy analysis and looking for arrangements that can facilitate this has been one approach, evident in the recent recommendation of the Second ARC for segregation of agencies for policy analysis from the implementation and monitoring agencies. However, a close look at the policy reality in India, including policy evasion, manipulation, distortion, and unanticipated or unaccounted consequences of policy, clearly suggests that the problem of policy delivery is not so much that of lack of functional division and autonomy as that of lack of public participation and accountability (Arora 2011). The challenge lies in finding effective mechanisms for citizen integration into all aspects of the process and ensuring that policy-making is not captured by vested interests.

## 3.6 Conclusion

It is pertinent at this point to underline that, as evident from the above discussion, the policy process in India bears the effects of five major contextual variants. These pertain to the political economy of (1) extreme resource disparities, (2) uneven representation in governance, (3) knowledge–power networks, (4) discursive context, and (5) institutional relations. These aspects clearly affect policy-making and implementation. However, to acknowledge the significance of these factors does not imply suggesting that they are always present or to deny the relevance of temporary or unique aspects in specific instances of policy. However, these features of policy context are predominant influences on variations in policy content, its form, and effects; they create or are evident from manifestations of policy evasion, manipulation, distortion, implementation, unaccounted effects, termination, symbolic existence, and so on. Therefore, it is important to refrain from taking a static or "frozen" view of the policy process and instead remain sensitive to variations in problem areas and explanations of specific policies (Arora 2002).

One other point is that the politics–policy relationship in India is not necessarily linear and that although politics influences the nature and outcomes of the policy process, policy itself generates its politics, evident not only in demands for postdecisional alterations of decisions but also in writing its defeat or redefinition in implementation spaces or even from the choice of patterns of policy to address a problem or goal, as by giving rise to specific pattern of conflicts, alliances, or indifference among different interests in society (Arora 1993b).

The second point is that policy processes in India cannot be explained exclusively in terms of the rational-comprehensive model, involving a systematic search for the best policies and the best methods for their realization. Instead, it reflects considerable variation, sometimes being attuned to incremental logic, at other times striving for radical departures from the existing policy, and yet in other moments being introduced as an ad hoc or reluctant response to public pressure, and occasionally also emanating from systematic research and analysis. Therefore, it is important to avoid the traditional politics–analysis dichotomy and see how the two flourish on each other's support. The timing of certain policy decisions cannot be explained except in terms of the timing of politics and analysis joining together.

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## References


Arora, D. (1993a). State, society and public policy in India. *Indian Journal of Political Science*, 40(1): 64–85.

Arora, D. (1993b). Conflicts, alignments and indifference: Public policy as context for state-society relations. *Punjab Journal of Politics,* 17(2).

Arora, D. (1994). From state regulation to people's participation: Case of forest management. *Economic and Political Weekly*, 29(12): 691–698.

Arora, D. (1995). Addressing welfare in third world contexts: Indian case. *Economic and Political Weekly*, 30(17): 955–962.

Arora, D. (2001). Public management reforms. *Administrative Change*, 27(1–2): 1–19. Reproduced in Chakrabarty, B., and Bhattacharya, M. (2005). *Administrative Change and Innovation: A Reader*. Oxford University Press, New Delhi, India, pp. 295–316.

Arora, D. (2002). Public policy analysis: Addressing the contextual challenges. *Indian Social Science Review*, 4(1): 45–68.

Arora, D. (2007). Globalisation and reorganisation of institutional space: Its meaning for democracy and people's rights. In K. Choudhary, ed., *Globalisation, Governance Reforms and Development in India*. Sage, New Delhi, India.

Arora, D. (2008a). *Citizen's Charters in India—Formulation, Implementation and Evaluation*. Indian Institute of Public Administration, New Delhi, India. Available at http://darpg.gov.in/darpgwebsite_cms/Document/file/IIPA_Report_Citizen_Charter.pdf.

Arora, D. (2008b). *Information and Facilitation Counters—Towards Effective Functioning*. Indian Institute of Public Administration, New Delhi, India. Available at http://darpg.gov.in/darpgwebsite_cms/Document/file/IIPA_IFC_Report.pdf.

Arora, D. (2008c). *Public Grievance Redress and Monitoring System in Government of India Ministries and Departments*. Indian Institute of Public Administration, New Delhi, India. http://darpg.gov.in/darpgwebsite_cms/Document/file/IIPA_Report_GRM.pdf.

Arora, D. (2010). Administrative reforms and social development. In *Council for Social Development*, *India: Social Development Report*: *2010*. Oxford University Press, New Delhi, India, pp. 160–174.

Arora, D. (2011). Reorganising government: Will functional division and autonomy help improve policy delivery. *Administrative Change*, 37(1–2).

Government of India. (1968). *Report of the Commission on Prevention Corruption* (Santhanam Commission Report), Ministry of Home Affairs, Government of India, New Delhi, India.

Government of India. (1969). *Report of Industrial Licensing Policy Inquiry Committee, Main Report*. Government of India, New Delhi, India.

Kothari, R. (1970). *Politics in India*. Orient Longman, New Delhi, India.

Rudolph, L. and Rudolph, S.H. (1998). *In Pursuit of Lakshmi: The Political Economy of India*. Orient Longman, New Delhi, India.

Second ARC First Report. (2006a). *Right to Information: Master Key to Good Governance*. Second Administrative Reforms Commission. Government of India, New Delhi, India.

Second ARC Second Report. (2006b). *Unlocking Human Capital: Entitlements and Governance—A Case Study*. Government of India, New Delhi, India.

Second ARC Fourth Report. (2007). *Ethics in Governance*. Government of India, New Delhi, India.

Second ARC Twelfth Report. (2009). *Citizen Centric Administration: The Heart of Good Governance*. Government of India, New Delhi, India.

Shah, G. (2004a). *Caste and Democratic Politics in India*. Orient Longman, New Delhi, India.

Shah, G. (2004b). *Social Movements in India: A Review of Literature*. Sage, New Delhi, India.

Sudarshan, R.M. (2009). *Policy Research and Practice in India*. Institute of Social Studies Trust (ISST) Working Paper.

*Times of India*. (2010, September 7). PM tells SC to lay off policy issues. Available at http://articles.timesofindia.indiatimes.com/2010-09-07/india/28258270_1_foodgrains-public-distribution-system-poverty-line (accessed August 27, 2012).


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# *Chapter 4*

# Intergovernmental Relations in India

Rekha Saxena

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## 4.1 Introduction

India is a parliamentary federal government with 28 states and 7 union territories (see Table 4.1 and Figure 4.1 for a detailed map). The three-tier structure of government includes the union and state governments, which are based on federal distribution of power, and local governments, which are based on a devolutionary model (see Figure 4.2). The political system began as a highly centralized model of federal governance, which, according to some observers, was quasi-federal until the end of the 1980s and got transformed into a federal mode of functioning from the early 1990s because of growing regional politicization, transformation of the party system from dominance of the Indian National Congress (INC) to a multiparty system, and changing judicial interpretation that gave greater recognition to autonomy of the states in an evolving and living federal polity. In the changing political scenario, intergovernmental relations (IGRs) are moving toward a more balanced pattern of bargaining and competitive federalism, but still broadly cooperative federalism, consistent with the spirit of the constitution and Indian nationalism.



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**Table 4.1 States and Union Territories in India Today**

| | | *Area (km²)* | *Population* | *Literacy Rate (%)* | *Principal Language* |
|---|---|---|---|---|---|
| **State (Year formed)** | | | | | |
| 1 | Andhra Pradesh (1953, 1956, 1959) | 276,754 | 76,210,007 | 60.5 | Telugu/Urdu/Hindi |
| 2 | Arunachal Pradesh (1971) | 83,473 | 1097 | 54.3 | Nissi/Dafla/Nepali/Bengali |
| 3 | Assam (1951, 1962, 1971) | 78,438 | 26,655,528 | 63.3 | Assamese/Bengali/Bodo/Bora |
| 4 | Bihar (1950, 1956, 1968, 2000) | 94,163 | 82,998,509 | 47.0 | Hindi/Urdu/Santhali |
| 5 | Chhattisgarh (2000) | 155,191 | 20,833,803 | 64.7 | Hindi |
| 6 | Goa (1987) | 3,702 | 1,347,688 | 82.3 | Konkani/Marathi/Kannada |
| 7 | Gujarat (1960) | 197,024 | 50,671,017 | 69.1 | Gujarati/Hindi/Sindhi |
| 8 | Haryana (1966, 1979) | 44,212 | 21,144,564 | 67.9 | Hindi/Punjabi/Urdu |
| 9 | Himachal Pradesh (1966) | 55,673 | 6,077,900 | 76.5 | Hindi/Punjabi/Kinnauri |
| 10 | Jammu and Kashmir (1950) | 222,236 | 10,069,343 | 54.5 | Kashmiri/Urdu/Dogri |
| 11 | Jharkhand (2000) | 79,714 | 26,945,829 | 53.6 | Hindi/Santhali/Urdu |
| 12 | Karnataka (1950, 1956, 1968) | 191,791 | 52,850,562 | 66.6 | Kannada/Urdu/Telugu |
| 13 | Kerala (1956) | 38,863 | 31,841,374 | 90.9 | Malayalam/Tamil/Kannada |
| 14 | Madhya Pradesh (1950, 1956, 2000) | 308,000 | 60,348,023 | 63.7 | Hindi/Bhili/Bhilodi/Gondi |
| 15 | Maharashtra (1950, 1960) | 307,713 | 96,878,627 | 76.9 | Marathi/Hindi/Urdu |
| 16 | Manipur (1971) | 22,327 | 2,166,788 | 70.5 | Manipuri/Thangdo/Thangkhul |
| 17 | Meghalaya (1971) | 22,429 | 2,318,822 | 62.6 | Khasi/Garo/Bengali/Assamese |
| 18 | Mizoram (1971) | 21,087 | 888,573 | 88.5 | Lushia/Mizo/Bengali/Lakher |

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| | | | | | |
|---|---|---|---|---|---|
| 19 | Nagaland (1962) | 16,579 | 1,990,036 | 66.6 | Ao/Sema/Konyak |
| 20 | Orissa (1952, 1960) | 155,707 | 36,804,660 | 66.1 | Orya/Hindi/Telugu |
| 21 | Punjab (1950, 1956, 1960, 1966) | 50,362 | 24,358,999 | 69.7 | Punjabi/Urdu/Hindi |
| 22 | Rajasthan (1950, 1956, 1959) | 342,239 | 56,507 | 60.4 | Hindi/Bhili/Bhilodi/Urdu |
| 23 | Sikkim (1975) | 7096 | 540,851 | 68.8 | Nepali/Bhutia/Lepcha |
| 24 | Tamil Nadu (1950, 1953, 1959) | 130,058 | 62,405,679 | 73.5 | Tamil/Telugu/Kannada |
| 25 | Tripura (1950) | 1,049,169 | 3,199,203 | 73.2 | Bengali/Tripuri/Hindi |
| 26 | Uttar Pradesh (1950, 1968, 1979, 2000) | 236,286 | 166,179,921 | 56.3 | Hindi/Urdu/Punjabi |
| 27 | Uttaranchal (2000) | 53,483 | 8,489,349 | 71.6 | Hindi/Garhwali/Kumoani |
| 28 | West Bengal (1950, 1954, 1956) | 88,752 | 81,176,197 | 81.7 | Bengali/Hindi/Urdu |
| **Union Territories (UTs)** | | | | | |
| 1 | Andaman and Nicobar (1950, 1956) | 8249 | 356,152 | 81.3 | Bengali/Tamil/Hindi |
| 2 | Chandigarh (1966) | 114 | 900,635 | 81.9 | Hindi/Punjabi/Tamil |
| 3 | Dadra and Nagar Haveli (1961) | 419 | 220,490 | 57.6 | Gujarati/Hindi/Konkani |
| 4 | Daman and Diu (1987) | 112 | 158,204 | 78.2 | Gujarati/Hindi/Marathi |
| 5 | Lakshadweep (1956) | 32 | 60,650 | 86.7 | Malayalam/Tamil/Hindi |
| 6 | Pondicherry (1962) | 492 | 974,345 | 81.2 | Tamil/Malayalam/Telugu |
| 7 | National Capital Territory (1991)/Delhi state (1950, 1956) | 1483 | 13,850,707 | 81.7 | Hindi/Punjabi/Urdu |

*Source:* Modified from O'Brien, D. (2006). *The Penguin India Reference Yearbook 2007*. New Delhi: Penguin.

**Figure 4.1 Map of India detailing states and union territories. (http://www.mapsofindia.com/maps/india/indiastateandunion-map-enlarged-view.html.)**

Intergovernmental relations concern interactions between the union and state governments as well as those among states themselves. IGRs in India are more frequently conducted multilaterally than bilaterally. This may be because states, rather than regions,* are the effective foci of political identity in India. This is borne out by the fact that there is, for example, no common forum

* "Regions" refer to clusters of states grouped in terms of geographical locations or ethnic characteristics, for example, northeastern states, Hindi-speaking states, and so on.

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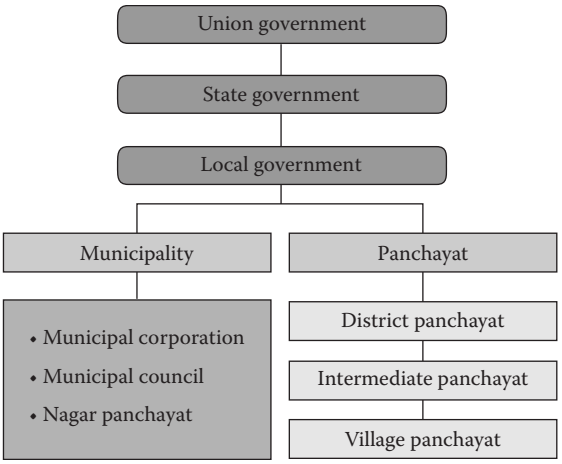


**Figure 4.2 Administrative hierarchy in India. (http://www.mlit.go.jp/kokudokeikaku/international/spw/general/india/index_e.html.)**

of the ten Hindi-speaking states or of the four South Indian states and the union territory* of Pondicherry in the Dravidian linguistic region. Another example that illustrates this point is the zonal councils set up under the States Reorganization Act of 1956, with subsequent amendments. In fact, the North Eastern Council set up under a 1971 parliamentary enactment is the only functional zonal council in India.

IGRs in India also tend to be vertically or hierarchically articulated rather than conducted horizontally on a footing of equality. This pattern of relationship is attributable to the overriding political powers and fiscal superiority enjoyed by the center over the states under the constitution. Like several other nations, the state governments in India often complain that the union government takes them for granted and acts unilaterally even in matters of concurrent jurisdiction and signing international treaties impinging even on subjects under their exclusive jurisdiction. The complaints of this nature have continued to recur even after the advent of a multiparty system and federal coalition governments. Nevertheless, the pressure for consultative IGRs has increased in this phase.

There are two dominant models of conducting IGR in comparative federal theory and practice. These are (i) legislative federalism via the federal second chamber and (ii) executive federalism through intergovernmental conferences of the executive heads of the two orders of governments. The former is typical of the presidential federations such as the United States and Switzerland, where the Senate and the Council of States (*Ständerat*), respectively, represent the federating units equally and enjoy more powers (United States) or exactly the same powers (Switzerland) as the national first chamber (House of Representatives and National Council/*Nationalrat*, respectively). It does not mean that the executive heads of the two orders of governments in presidential federal systems do not meet in conferences to discuss IGRs. However, as equal and effective representatives of states/cantons, U.S. Senators and Swiss Councilors do become credible and convenient voices of their governments and people to the federal government. With a rather weak federal second chamber, India does not belong to this model.

* A union territory is a unit of the Indian federal system that is smaller than a state, of a size ranging from a city to an island. They are directly administered under the Government of India, although two of them, Delhi and Pondicherry, have semistate status with lesser autonomy than a state.

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"Executive federalism" is characteristic of parliamentary federations, such as Canada and India, where the conferences of the first ministers, ministers, and secretaries (called deputy ministers in Canada) are regularly convened for initiation, coordination, and implementation of intergovernmental policies. A word of caution: Prominence of executive federalism in these systems does not mean that the federal second chamber is totally irrelevant in IGRs. The following sections will expand on the various phases of IGRs in India along with executive, legislative, and fiscal federalism. Finally, the accountability of IGR is discussed.

## 4.2 Phases of IGRs

Within the broad parameters of constitutional provisions, it is common to delineate the following six phases of IGR in India: (1) administrative federalism (1950–1964), (2) bargaining federalism I (1966–1970), (3) coercive federalism (1971–1977), (4) bargaining federalism II (1977–1979), (5) confrontational federalism (1980–1988), and (6) competitive federalism (1989 to the present). The phase of "administrative federalism" was typical of the period of Prime Minister (PM) Jawaharlal Nehru (1950–1964). When the INC was the dominant political party in New Delhi as well as in practically all states of the Indian union, Nehru and his deputy PM, Vallabhbhai Patel, began as the two towering leaders in a "duumvirate" in the interim government in 1946 in the initial years of the republic (Brecher 1959). Following the latter's death in December 1950, the former became the unquestioned leader in the government and the party.

Most early chief ministers (CMs) of states were Nehru's associates in the party of freedom struggle and the postindependence congressional governments, and even those who came later during his 17-year-long tenure as the PM were his juniors. Because of this situation, IGRs were largely conducted primarily in the top councils of the Congress party, the Congress Workers Committee (for party affairs), the Congress Parliamentary Board (for governmental affairs at the union and state levels), and the Central Election Committee (for electoral affairs). Intergovernmental forums such as the Chief Ministers Conferences and the National Developmental Council (both chaired by the PM) duly and formally endorsed the broad contours of decisions and policies already arrived at the exclusive apex party councils. The center–state relations during this phase for the foregoing reasons displayed the features for what are called "administrative federalism."

The phase of "bargaining federalism" began in the twilight of the Nehru era, especially after his demise in 1964, more particularly after the fourth general elections in 1967 when the Congress party lost power in 9 of the then 18 states of the union. After India's debacle in the face of the Chinese aggression in 1962, Nehru faced the first internal opposition within the ruling party, which considerably weakened him. In the midst of his declining power and health, there emerged a conclave of a half a dozen powerful CMs from the non-Hindi rimland states, called the Syndicate. The Syndicate and the president of the Congress party, Kumarswamy Kamaraj (a former CM of Tamil Nadu), in an extended Congress Working Committee along with the Congress Parliamentary Board, decided the successor of Nehru to be Lal Bahadur Shashtri, who was chosen and subsequently formally elected as the leader of the Congress Parliamentary Party in 1964. Unfortunately, Shashtri died in January 1966. His successor, Indira Gandhi, was again backed by the same power bloc in the ruling party; she defeated Morarji Desai in an open contest in the election of the leader of the Congress Parliamentary Party (Brecher 1966; Singh 1981).

This collegial leadership comprising powerful union ministers and state CMs was the real driving force in conducting IGRs during these years. This one-party dominant framework of union–state relations became more diversified in multipartisan terms after the 1967 general elections

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when a variegated pattern of non-Congress state governments came to be formed in at least half of the states. This was the first major period of interparty IGR in Indian politics, marked by differences between the center and states on policy matters, as well as the use or abuse of Article 356 of the Indian Constitution, allowing the takeover of state administration by the president of India (meaning the union cabinet) on the grounds of the "failure of constitutional machinery" in a state ("constitutional emergency"). Most of these non-Congress patchwork multiparty coalition governments turned out to be extremely unstable because of their own internal ideological or programmatic and personal differences as well as partisan destabilization by the congressional government at the center (Brass 1968).

By 1971–1972, the non-Congress multiparty coalition governments were easily swept aside by an overwhelming mandate in favor of the INC led by Indira Gandhi (following the great 1969 split in the party between the Indira faction and the Syndicate faction). The Congress party led by Indira Gandhi was restored in power in New Delhi as well as in most of the states. However, one of the non-Congress governments, the one formed by Dravida Munnetra Kazhagam (DMK) in Tamil Nadu, proved to be quite stable. It also appointed a Commission on Centre–State Relations chaired by Justice Rajamannar, whose report produced a critical and reformist discourse on the prevailing patterns of IGRs. W. H. Morris-Jones aptly called this phase of IGRs one of "bargaining federalism" (Morris-Jones 1987).

The phase of IGR during the turbulent 1970s can be called "coercive federalism." The main characteristics of the decade were the deinstitutionalization of the INC after the 1969 split in as much as regular intraparty democratic elections of the Nehru era were dispensed with in favor of nomination of the state and district party organizations from the higher levels. The pluralist and federal democratic power structure within the party came to be replaced by a highly centralized party organization remodeled on the basis of the personal charismatic mass appeal of Indira Gandhi. This trend in the party organization was soon replicated in the state governments of the Congress party, in which the CMs came to be handpicked by the PM herself and subsequently ritualistically elected by the Congress Legislature Parties in states. Thus, the PM started making direct charismatic mass appeal to the people, bypassing the intermediary structures in the party and state governments, which were reduced to be instrumental transmission belts lacking autonomy. One scholar has gone to the extent of calling this phase of the Indian political system a "patrimonial federalism" (Dua 1985).

This excessive centralizing drive in the political system went practically unchallenged within the framework of the fragmented party system with a weak opposition. However, it was challenged by a powerful extraparliamentary mass protest movement that surfaced first in Gujarat under the leadership of the indomitable Morarji Desai and subsequently spread to Bihar and the whole of north India down to Bangalore under the leadership of Jayaprakash Narayan (JP). The government finally sought to suppress the JP movement by proclaiming on June 25, 1975, an internal national emergency under Article 352 of the Indian Constitution, entailing the wholesale arrest of the entire opposition and even the Congress party dissidents, press censorship, and suspension of fundamental rights of citizens (Chandra 2003). The emergency regime also bolstered the power of the union and state executives to issue ordinances and of the union executive to proclaim emergencies—national, within a state, and financial—without judicial review. Likewise, the parliament and state legislatures were granted the power to legislate on certain matters—curtailing fundamental rights in the name of directive principles of state policy with a presumption of constitutionality loaded in favor of such laws by allowing judicial review only by a special majority of not less than two-thirds of the judicial bench. All of these departures from the then-prevailing constitutional norms were made through the 38th and 42nd constitutional amendments (1975 and 1976).

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The next phase of IGR dating from the 1977 parliamentary elections that defeated the emergency regime, replacing it with the first non-Congress government at the center under the aegis of the Janata Party under Morarji Desai, may be called "bargaining federalism–II." The electoral reaction against the emergency excesses, which were largely concentrated in North India, was also evident in the 1978 State Assembly elections that voted the Janata Party in all major North Indian states, unseating the Congress governments. However, the Congress governments in some southern states managed to survive. During its rather brief spell in power, in New Delhi for approximately 2.5 years (until 1979) and for a slightly longer period in the states, the Janata Party governments dismantled the authoritarian amendments to the constitution and dismissed the Congress state governments in the northern states on the specious plea that the 1977 Lok Sabha elections had shown that these governments had lost the trust of the people, but conducted IGRs with other non-Janata Party state governments in a manner informed by democratic and federal norms.

The next phase of IGR that covered the decade of the 1980s was marked by the return of the Congress party led by Indira Gandhi in the 1980 Lok Sabha elections on the fall of the Janata Party government because of factional bickering among its various constituent parties that had hurriedly merged on the eve of the post-Emergency 1977 Lok Sabha elections. The decade was dominated by Indira Gandhi and her son Rajiv Gandhi, who succeeded her as PM upon her assassination in October 1984. The author calls this phase "confrontational federalism" for two reasons. First, the wages of excessive political centralization culminating in the internal emergency gradually produced a more militant reaction in the non-Hindi rimlands, especially the northwest, northeast, and deep south. The Khalistan insurgency in Punjab, followed by the insurgency in Jammu and Kashmir, the nativist movement in Assam, and finally engendering the militancy of the United Liberation Front of Assam (ULFA) and Tamil nationalism in league with Tamil nationalism in Sri Lanka are cases in point. When Rajiv Gandhi succeeded Indira Gandhi, he tried to deal with some of these festering wounds by signing regional ethnic accords with the leaders of the Asom (Assam) Gana Parishad, the Mizo National Front, the Tripura National Volunteers, and Shiromani Akali Dal in Punjab with varying success. However, his dealing with the Jammu and Kashmir National Conference and of the Tamil Question was harsh and undiplomatic. The Kashmir Question got more complicated, and he lost his life at the hands of the Tamil separatists in 1989. The 1980s also witnessed the transformation in state party systems in the non-Hindi-speaking regions. One after the other, the Congress governments were defeated in assembly elections in Karnataka, Andhra Pradesh, Assam, Haryana, Punjab, and so on. Therefore, the Congress governments of Indira and Rajiv Gandhi had to contend with a large assortment of non-Congress governments in the National Development Council (NDC) and CM conferences and face shriller voices, including perhaps the first walkout from an NDC meeting by N.T. Ramarao (Telugu Desam Party), the CM of Andhra Pradesh. To the list of long-standing regional parties such as the National Conference in Jammu and Kashmir, Shiromani Akali Dal in Punjab, and DMK and All India ADMK in Tamil Nadu, the 1980s added new regional parties such as the Asom Gana Parishad and Telugu Desam Party. This decade is notable for the new development of an enduring differentiation of the national party system from the state party systems.

The 1989 Lok Sabha elections heralded a new phase of IGR, which the author refers to as one of "competitive federalism." This development resulted from the transformation of the one-party dominant system under the aegis of the INC into a multiparty system of considerable fragmentation and pluralization, necessitating the formation of coalition and/or minority governments at the federal level with a strong presence and decisive balancing role of regional parties. With this trend, so far irreversible, the federal features of the constitution came into their own for the first

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time since its commencement in 1950. The IGRs during this phase have acquired the characteristics of a truly competitive and cooperative federal polity. In the opinion of one observer, India today displays the features a "quasi-confederal" polity (Verney 2003).

## 4.3 Executive Federalism

Executive federalism is the characteristic of parliamentary federations such as Canada and India, where the conferences of the first ministers, ministers, or secretaries (called deputy ministers in Canada) are regularly convened for negotiation, coordination, and implementation of intergovernmental policies. India has developed formal and informal forums of executive federalism. Examples of formal forums are the NDC set up in 1952 by a cabinet resolution of the Nehru government for guidelines, approval, and review of five-year plans prepared by the Planning Commission, as well as the Inter-State Council (ISC) provided for in Article 263 of the Indian Constitution and first set up by a presidential order in 1990. In addition, other formal forums of this nature include a series of statutory national councils in some key policy areas such as health, local self-government, and sales tax formed under Article 263, which include ministerial and secretarial representatives from the two orders of governments. The informal forums of this kind include ad hoc ministerial and secretarial conferences on intergovernmental affairs in different policy areas chaired by the concerned union minister or secretary (Saxena 2006).

Not all of the foregoing IGR forums have been equally and uniformly operational in practice. Even after the advent of a multiparty system at the federal level since 1989, the most frequently used IGR forums are the ad hoc CM/ministerial/secretarial conferences, these forums are used more often than the formal ones like the ISC and NDC. Between the latter two formal forums, the NDC is more frequently convened than the ISC, although the latter is constitutionally sanctified (Saxena 2006). However, it is notable in this context that the presidential order setting up the ISC reduced its full constitutional mandate by omitting clause (a) of Article 263, which charges it with the duty of "(a) inquiring into and advising upon disputes which may have arisen between states." This diverts such disputes to political functionaries such as the PM, the union ministers concerned, semijudicial tribunals, or the judiciary itself.

Ad hoc Conferences of Governors or Chief Justices of High Courts, chaired by the President of India or the Chief Justice of India, respectively, also occasionally take place. However, these forums deal with constitutional or legal issues of a general nature rather than political matters in IGRs. In the context of executive/administrative relations between the union and states in India, three specific features are particularly notable. First, the constitution is at pain to ensure cooperation between the two orders of governments going beyond a general provision of supremacy of federal law/executive power as in the United States and Australia. Article 256 provides that the executive power of a state shall be so exercised as to ensure compliance with the union laws, and the executive power of the union shall extend to giving such directives to a state as deemed necessary for this purpose. Article 257 also empowers the union government to give directions to a state for construction and maintenance of means of communication and transportation "of national or military importance" and protection of the railways within the state at union's cost, subject to determination by mutual consent or an arbitrator appointed by the Chief Justice of India. Under Article 258, in matters to which the union executive power extends, the union can also entrust functions to a state government, either conditionally or unconditionally, with consent of the governor of the state at the union's cost, mutually agreed or subject to arbitration as above. Serious consequences may follow if a state government fails to comply with a union government's

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direction. Such a situation may be construed as the failure of constitutional machinery in the state resulting in the takeover of the state government by the president of India, which means the union government or the council of ministers (Articles 365 and 356 read together). Second, in some Union List subjects and all Concurrent List subjects in division of powers between the federal and state governments, union laws are administered by the state administration in the field. Third, the officers of the unique All India Services hold top administrative and police positions in the union and state governments under which state and central services officers work. This factor, more often than not, facilitates cooperative IGRs but with occasional complaints by state governments that All India Services tend to be more loyal to the union government.

There is an aspect of executive relations between the union and the state in the Indian federation that is not only patently unfederal but also much abused in practice. This is Article 356 of the constitution, relating to the president's rule in states. Contemplated as an extreme emergency measure to be used sparingly, it was grossly misused by practically all parties to topple the state governments formed by parties other than the one in power in New Delhi. Attempts to reform this state of affairs did not go far until the 1990s onward. The advent of a multiparty system and federal coalition governments since 1989 coupled with judicial review of the president's rule since 1994 by the Supreme Court in *S.R. Bommai and other v. Union of India* (Supreme Court of India, 1994) have brought this menace considerably under control.

A few other observations regarding executive federalism are in order here. These relate to dealing with radical class violence in some states and the menace of crime and corruption. Some states have been prone to excessive radical class violence undertaken by extremist communist organizations variously calling themselves the Communist Party of India (Marxist-Leninist or Maoist). They are also generally known as "Naxalites," after the Naxalbari area in north Bengal, where such violence first occurred in the late 1960s. In the year 2010, there was an unprecedented spurt in such violence in the central tribal belt spanning the various states from the Indo-Nepal border down to the Deccan. The situation caused a joint police action by the central paramilitary forces and the state police forces of the Communist Party of India (Marxist)–led Left Front government in West Bengal, the Bharatiya Janata Party government in Chhattisgarh, the Bijoo Janata Dal government in Orissa, the INC–Nationalist Congress Party Coalition Government in Maharashtra, and so on, to contain it. This Operation Green Hunt was not without intergovernmental differences, but these were managed to a great extent, and the virtual war against established governmental authority was considerably brought under control.

In the context of corruption and criminalization, IGRs have raised some issues relating to the long-standing central investigative agency, the Central Bureau of Investigation (CBI); the creation of a new federal investigative agency, the National Investigative Agency (NIA), under a parliamentary enactment in December 2008; and the appointment of Lokpal/Lokayuktas (Ombudsmen) under a proposed constitutional amendment demanded by a powerful extraparliamentary mass movement launched by India Against Corruption (IAC) led by Anna Hazare (an anticorruption crusader), assisted by a group of eminent civil society activists in the wake of the heady Arab spring for democracy in 2011. The CBI predates the constitution. It evolved out of the special police establishment founded in British India in 1941 and regularized under the Delhi Special Police Establishment Act of 1946. It was set up under its present name under the 1946 act in 1963 by the Government of India, with its jurisdiction extending over all departments of the central government and governments of the union territories. It could be extended to state governments with their consent. State governments allow it to operate within their jurisdictions on a case-by-case basis. It works under the directive of the union executive, and the state governments are often critical of its partisan use by the Government of India. However, the CBI has occasionally reported

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directly to the Supreme Court of India over the head of the union executive or operated in a state under the directive of the apex court.

The need for a federal investigative and prosecuting agency had been acutely felt by the Government of India for quite some time, especially in view of the growing incidence of interstate crime and terrorist attacks in various parts of the country. For nearly a decade, the Bharatiya Janata Party (BJP)-led National Democratic Alliance government and its successor, the congress-led United Progressive Alliance (UPA) government, discussed the need for such an agency in the Chief Ministers' conferences chaired by the PM. However, the CMs did not agree to the proposals. Finally, in the wake of the 26/11 Mumbai terror attack in 2008, the UPA government pushed through the parliament a legislation instituting a NIA in November 2008 with an overwhelming parliamentary support. Subsequently, the Government of India also proposed the establishment of the National Counter Terrorism Centre (NCTC) as a nodal agency for dealing with incidents of terrorism by an executive decision in the spring of 2012, but it evoked strong protest from non-Congress state governments on the plea that it encroaches upon their exclusive jurisdiction in the field of law and order, which is a state subject under the constitution.

Moreover, the controversy over the constitutional amendment for instituting Lokpal/Lokayuktas is not yet over. Under pressure from an anticorruption movement led by Anna Hazare, the Congress-led UPA government introduced a comprehensive bill for setting up a Lokpal at the center and Lokayuktas in the states. Lacking the required two-thirds majority in both of the houses of parliament for the passage of a constitutional amendment bill, it was passed as a legislative bill with a simple majority in the Lok Sabha, but it was decisively rejected by the opposition majority in the Rajya Sabha as an assault on the federal structure. The main opposition BJP, the communist parties, and the regional parties objected to the parliament's encroachment on the autonomy of the state legislatures to make their own Lokayukta bills covering cases of corruption under the jurisdiction of state government. The union government sought to make an omnibus law covering the entire spectrum in the name of implementing its signing and ratification of the U.N. Convention Against Corruption, invoking Article 253 relating to parliament's power to make laws to implement treaties with a binding effect on the union as well as state governments.

## 4.4 Legislative Federalism

India is a variant of parliamentary federalism allowing a considerable fusion of powers between the legislative and executive branches. After all, the cabinet is an integral part of the parliament and holds office only so long as it enjoys the confidence of the national first chamber, the Lok Sabha. This relegates the federal second chamber, the Rajya Sabha, to a secondary position with regard to money bills and decisive power of legislation in as much as a disagreement between the two houses is resolved in a joint session where the Lok Sabha ($N$ = 545) is numerically preponderant over the Rajya Sabha ($N$ = 250). Being directly elected by the people, the Lok Sabha also pretends to represent the will of the people. Nevertheless, elected indirectly by the elected members of the state legislative assemblies, the Rajya Sabha has been endowed by the makers of the constitution with some special powers in federal concerns. First, Rajya Sabha, by a resolution supported by at least two-thirds of its members, can authorize the parliament to legislate on a matter in the State List "in the national interest" (Article 249). Second, the Rajya Sabha, by a similar resolution, can authorize the union government to create a new All India Service in addition to the Indian Administrative Service and the Indian Police Service, inherited from the British Raj and regularized and adapted to the needs of postcolonial India

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at the time of the commencement of the Indian Constitution (Article 312). The Indian Forest Service was thus created in 1966. The 42nd constitutional amendment (1976) has clarified that the list of such prospective All India Services may include an All India Judicial Service. Third, the Rajya Sabha apparently enjoys a veto over constitutional amendment constitutional amendment, while there is no such provision on amendments made through a joint session in the lower house - Lok Sabha (Article 108). Moreover, in practice, because of the federal power shift to the regions since the 1989 Lok Sabha elections, several PMs have come from among the Rajya Sabha members (e.g., H.D. Deve Gowda, I.K. Gujral, Manmohan Singh), whereas in the earlier decades, when India mainly functioned as a predominantly parliamentary system, all PMs rose to the office from the Lok Sabha.

In the background of the greater federalization of the Indian political system, the Commission on Centre–State Relations (Chair Justice Madan Mohan Punchhi) in its report (2010) aptly suggested (1) a restructured Rajya Sabha with equal representation of states instead of the present provision of representation proportional to population to restore a federal balance in favor of the smaller and marginalized states and (2) a strengthened ISC as an effective consultative forum in the exercise of the union's legislative power in concurrent jurisdictions and executive power in union–state administrative relations, including the exercise of treaty-making and emergency powers (Commission on Centre–State Relations Report 2010).

## 4.5 Fiscal Federalism

Fiscal federalism in India is conducted under unusually detailed constitutional provisions in comparative politics, informal administrative provisions relating to the process of planning, and intergovernmental negotiations and agreements. The three main channels of central financial transfers to states are nonplan funds, plan funds, and centrally sponsored development schemes formulated by various union ministries. These schemes are not limited to union and concurrent jurisdictions. In fact, they extend to the exclusive State List subjects. The federal division of powers in the constitution does not prohibit central spending on matters of states' exclusive concerns.

By and large, although not exclusively, the Finance Commission of India (FCI; appointed every 5 years by the Government of India under Article 280 of the Indian Constitution) is involved in the transfer of nonplan funds, whereas plan funds and centrally sponsored development schemes are conducted by the Planning Commission of India (PCI; a nonconstitutional body set up by a cabinet resolution of the Nehru government in 1950). Article 275 of the Indian Constitution by law makes grants-in-aid annually to such states as it may determine to be in need of assistance from the Consolidated Fund of India, and different sums may be fixed for different states.

The constitution lays down detailed provisions classifying taxes levied and collected by the union but assigned to the states, taxes levied and collected by the union but divided between the union and the states, and taxes levied and collected and appropriated by the states. The FCI's reports containing recommendations regarding the principles and patterns of revenue sharing have generally been honored by the union and state governments. The PCI plays an important role in the formulation of union and state plans subject to the final endorsement of the NDC (a nonconstitutional body instituted by a cabinet resolution of the Nehru government in 1952). The NDC represents the executive heads of the union, state, and territorial governments and is chaired by the PM. It decides by consensus, not majority vote, as sensed by the chair. The discretionary central transfers include grants for state plans and allocation of finances from public financial institutions set up under the Companies Act of 1956, such as the Life Insurance

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Corporation, the General Insurance Corporation, and the Unit Trust of India; loans, grants, and disaster relief; grants from the Central Road Fund; and International Monetary Fund (IMF) loans for maintenance for national highways and other developmental works.

The FCI and the PCI are appointed, and their terms of reference are unilaterally set by the union government. This has been an issue of intergovernmental grievance that has been growing for some time now. Economic liberalization, privatization, and globalization (LPG) have considerably diluted the role of centralized democratic planning. Nevertheless, the Planning Commission continues to be the major institution in which increasingly decentralizing and nonintrusive five-year plans with reduced reach of the interventionist state over the national economy are settled multilaterally through intergovernmental negotiations and annual plans are scrutinized and finalized through bilateral union–state interactions with the concerned state government within the overarching framework of five-years plans. The role of the FCI continues to be unabated by this trend, although its reports, especially since the Tenth Finance Commission (1995–2000), reflect some shifts of importance of greater weight from the criteria of economic backwardness of states to those concerned with states' own resource mobilization and better economic management and performance.

The Twelfth Finance Commission Report (2005–2010) reduced the weight of the criteria of states' needs and efficiency in fiscal capacity to 50% from 62% in the Eleventh Finance Commission Report (Government of India, Ministry of Finance 2004). The weightage of population was raised to 25% from 10%. However, after the submission of the Twelfth Finance Commission Report, the CMs of more developed states lobbied the PM that backwardness should not continue to be so heavily rewarded. The Thirteenth Finance Commission Report for 2010–2015 made several changes in the criteria and weights for horizontal fiscal transfers to states. It dropped two indicators earlier used: tax effort and the infrastructure index at the state level. The weight of population was retained at 25%. The weight of income disparity among states was reduced from 50% to 47.5%. The weight of area of the state was drastically reduced from 50% to 10% and that for fiscal discipline at the state level significantly raised from 7.5% to 17.5%. The overall trend over the last 15 years or so has thus been an attempt to reward better economic performance over backwardness. However, the overall weight of poverty over performance still remains at 72.5%. These equalization payments to the poorer states are justified in the name of nationalism and social justice. So far, as the vertical central financial transfers are concerned, these have also been slowly but steadily rising for the states in proportionate terms. For example, the Thirteenth Finance Commission raised the states' share in the divisible pool to 32% from 30.5% under the previous Finance Commission dispensation (Government of India 2010). Coming to the fiscal transfer to the states in the domain of planning on the advice of the Planning Commission, the earlier project-based grants and loans since 1969 are allocated on the basis of the Gadgil formula, so called after the then-deputy chairman of the Planning Commission, D.R. Gadgil (Vithal and Sastri 2002).

For Finance Commission and Planning Commission financial transfers to the states, the states have been classified as general category states and special category states on the basis of a combination of strategic, ethnic, and geographic differentials. The latter are earmarked for special treatment. For example, in terms of revenue and expenditure of states in 2000–2001, the percentage of own revenue to then-current spending stood at 52.5% in the case of the general category states as compared with 20.1% in the case of special category states. Similar differential patterns are evident among high-income states (66.8%), medium-income states (55.0%), and low-income states (38.8%) (Rao and Singh 2005).

Central transfers to states take place by legislation (e.g., income tax and customs sharing); grants, including conditional grants; and loans. In the case of grants and loans, memorandums

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of understanding rather than agreements within the framework of contract law are in vogue. The parliament exercises more effective control over fiscal transfers to the states if the transaction takes place through a legislative process rather than by executive decisions. The same applies to the state assembly's control over how grants are spent. All major executive decisions in fiscal matters at both levels are placed on the tables of the legislative branches that have committees to look after the matters presented. However, the latter mechanism is less systematic and direct. In addition, not all matters are routinely reported to the legislature, especially at the state level.*

Centrally sponsored schemes in concurrent and exclusive state jurisdictions are formulated by the concerned union ministry and referred to the Planning Commission. They then go to the Expenditure Finance Committee of the Ministry of Finance for approval. If the scheme is in an exclusive state subject, then the concerned union secretary calls the relevant secretaries of state governments. Centrally sponsored schemes may be entirely funded by the union government, or they may be shared in the ratio of 80%:20% or 75%:25%, and so on. After having gone through the foregoing stages, a note is prepared for approval by the cabinet.† For the past two decades, the numbers of centrally sponsored schemes have been gradually reduced through intergovernmental discussion in the NDC or unilateral decision of the union government, their present number being approximately 200. This trend may be attributed to neoliberal economic reforms since 1991 and the enactment of the Financial Responsibility and Budget Management Act of 2003 by the Parliament of India. The Reserve Bank of India has been prompting similar legislations at the state level. The Thirteenth Finance Commission Report has recommended that enactment of such a law providing for review of the worked-out fiscal reform path should be made conditional for the release of state-specific grants by the center (Government of India 2010).

Table 4.2 provides a longitudinal view of the relative shares of the center and the states in revenue and total expenditure from the first Finance Commission Report in the 1950s to the 12th Finance Commission Report (2005–2010) (Government of India 2010). The center's share in total revenue expenditure ranges from 40% to 44.45%; the states' share ranges from 53.90% to 60%. The average for the center's share over the entire period is 43%, and that of the states is 57%. In Indian administrative federalism, the state administration is largely responsible for implementation of federal and state laws, policies, and programs. The ARC II report recommends that the unresolved issues concerning states that require interministerial coordination should be placed before the committee of secretaries at the center and then to the union cabinet for approval (Second Administrative Reforms Commission 2009). Intergovernmental issues that need to be sorted out are referred to the appropriate IGR forum of executive federalism discussed above.

## 4.6 Accountability of IGR

The institutions of executive federalism in parliamentary federal systems have been a subject of some criticism because of a democratic and federal deficit in the literature on comparative federalism, especially in Canada (Brock 2002; Franks 2002). The tenuous accountability of executive federalism is also typical of India. The principle of accountability of governments to the parliament

* Courtesy of M.P. Singh, who interviewed a Kerala cadre IAS officer in mid-November 2009 who has worked at the state and union levels and who desired anonymity.

† Interview with A.R. Nanda, an Orissa cadre IAS officer and a former additional finance secretary with the Government of India. Interviewed by Rekha Saxena and M.P. Singh separately in New Delhi in August 2003 and mid-November 2009, respectively.

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**Table 4.2 Relative Shares of Center and States in Revenue and Total Expenditures**

| *Average for Finance Commission Periods* | *Relative Shares* | | | |
|---|---|---|---|---|
| | *Total Expenditure* | | *Revenue Expenditure* | |
| | *Center* | *States* | *Center* | *States* |
| FC-I | 43.83 | 56.17 | 40.77 | 59.23 |
| FC-II | 49.47 | 50.53 | 41.83 | 58.17 |
| FC-III | 50.51 | 49.49 | 46.10 | 53.90 |
| FC-IV | 47.69 | 52.31 | 41.77 | 58.23 |
| FC-V | 43.14 | 56.86 | 40.00 | 60.00 |
| FC-VI | 47.35 | 52.65 | 44.19 | 55.81 |
| FC-VII | 44.79 | 55.21 | 41.98 | 58.02 |
| FC-VIII | 47.86 | 52.14 | 44.22 | 55.78 |
| FC-IX | 45.58 | 54.42 | 43.45 | 56.55 |
| FC-X | 43.35 | 56.65 | 43.18 | 56.82 |
| FC-XI | 43.77 | 56.23 | 44.03 | 55.97 |
| FC-XII* | 43.74 | 56.26 | 44.45 | 55.55 |
| Overall Average | 45.92 | 54.08 | 43.00 | 57.00 |

*Source:* Indian Public Finance Statistics.

*Note:* *Average of 3 years (2005–2008).

and state legislatures is sketched out in the Indian Constitution in the two respective domains, if not yet well established in practice. Executive federalism is envisioned in the Indian Constitution in Article 263, but the question of the collective responsibility of the ISC provided for in that article is left unstated. The PM and his/her government are accountable to the Lok Sabha. The CM and his/her government are accountable to the Vidhan Sabha. These two accountabilities are for the decisions of the Government of India and a state government for their own separate domain. What about the collective accountability of ISC, NDC, and other such forums for their decisions in the joint union–state domain? An integral reading of the constitution could yield two answers: (i) the PM and CMs acting together in IGR executive forums are accountable to their respective legislative branches and (ii) their ultimate political accountability is to their respective national or regional electorates, indeed discursively to the larger national interest. However, as of now, the first constitutional principle has remained entirely unoperationalized. Neither the parliament nor any state legislature in the country has set up any committee on IGRs. It would appear to be a major missing link of accountability in the Indian constitutional and political system (Singh 2011).

The process of executive federalism in India has not yet evolved fully to the extent of raising the question of opening up the process to popular participation in the apex political forums such as to NDC, ISC, and CM conferences. However, the author finds a lack of discourse on this subject in Indian academic forums. Participants from both sides deliver prepared speeches in these

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conferences and tend not to have any dialog. Implementation of resolutions or decisions on the ground level leave so much to be desired that now the union government, perhaps prompted by past failures, prefers memorandums of understanding (MoU) with the state governments. For example, the central ministry of Health and Family Welfare had signed a MoU with state governments for implementation of the National Rural Health Mission, the major public health program for primary health care in India. All but 2 states of 35 states/union territories signed the said MoU. However, the program is being implemented in all 35 units, and the delay in signing the document with some was not allowed to stand in the way.*

Neoliberal economic reforms and globalization since 1991 have been bringing about slow but steady taxation reforms in the midst of serious union–state differences. A joint task force, an empowered committee of state finance ministers appointed by the union finance ministry and chaired by the West Bengal incumbent earlier and now the Bihar incumbent, has been at work since the early 2000s. After marathon negotiations, it managed to create a consensus among the states to replace their sales taxes by a value-added tax (VAT) in the face of serious opposition from the Bharatiya Janata Party state governments backed strongly by traders. For years, it has been negotiating a transition to a goods and services tax (GST) merging several union and state taxes. However, consensus has eluded it for years, so far because of serious reservations on part of the union and state governments.

The environmental and ecological accountability of governments and industries is another concern that has grown steadily since the mid-1980s in India when the Union Ministry of Environment and Forest was first set up. It was followed by the Environment Protection Act of 1986, which has made environment impact assessment mandatory for 29 categories of development activities involving investment of Rs. 50 crores and above. All major projects in areas of power (including nuclear power, mining, infrastructure, dams, and industries) require environmental clearance from the union ministry. The process has been open to controversies, especially among state governments and industries because of a lack of objectivity and transparency. The ministry, in consultation with state governments, proposes to institute an autonomous statutory body of experts, National Environmental Protection Authority (NEPA), and system of accreditation of consultants sectorally or statewide.

Finally, a new dimension of accountability of intergovernmental institutions of executive federalism and, for that matter, federal democratic governance in general is one that subsumes market-friendly public policies and accountability to global and international agencies in terms of global economic growth, human development, and human rights. These objectives and values are not automatically noncontradictory. Indian federal democratic governance must find its own balance or equilibrium like any other federal system in the world. Two important examples of India's accountability to multilateral global agencies that tell tales about parameter-altering economic developments since the 1990s are the contracting of structural adjustment loans from the IMF and the World Bank in 1991 in face of a severe balance-of-payment crisis and the signing of the World Trade Organization (WTO) treaty in 1995. The former entailed India's shift to neoliberal capitalist reforms in conformity to the conditionalities of the global lending organizations, and the latter obliged India to follow long-term international free trade, domestic reduced subsidy policies, and amendments to its patent and intellectual property rights laws. India sought to balance its constitutional mandate and compulsions of electoral democracy against the compulsions of neoliberal economic reforms for development.

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* I benefited from my discussion with M.P. Singh, who is cited from his interview with Rajesh Kumar, a senior Indian Civil Accounts Service official of the Union Ministry of Health in New Delhi, spring 2009.

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## References

Brass, P. (1968). Coalition politics in North India. *American Political Science Review*, 62(4): 1171–1191.

Brecher, M. (1959). *Nehru: A Political Biography*. London: Oxford University Press.

Brecher, M. (1966). *Nehru's Mantle: The Politics of Succession in India*. New York: Praeger.

Brock, K. (2002). Executive federalism in Canada: A public forum? In R. Saxena (Ed.), *Mapping Canadian Federalism for India*. New Delhi, India: Konark.

Chandra, B. (2003). *In the Name of Democracy: JP Movement and the Emergency*. New Delhi: Penguin Books India.

Commission on Centre–State Relations Report. (2010). *Constitutional Governance and Management of Centre-State Relations*, Vol. II. New Delhi, India: Government of India.

Dua, B.D. (1985). Federalism or patrimonialism: The making and unmaking of chief ministers in India. *Asian Survey*, 25(8): 793–804.

Franks, C.E.S. (2002). A continuing Canadian conundrum: The role of Parliament in intergovernmental relations and national unity. In R. Saxena (Ed.), *Mapping Canadian Federalism for India*. Delhi, India: Konark.

Government of India. (2010). *Report of the Thirteenth Finance Commission*. New Delhi, India: Akalank Publications for the Government of India.

Government of India, Ministry of Finance. (2004). *Report of the Twelfth Finance Commission (2005–2010)*. New Delhi, India: Ministry of Finance, Government of India, p. 133.

Morris-Jones, W.H. (1987). *The Government and Politics of India* (3rd ed.). Bombay, India: University Book Stall.

Rao, M.G., and Singh, N. (2005). *Political Economy of Federalism in India*. Delhi, India: Oxford University Press, pp. 175–176.

Saxena, R. (2006). *Situating Federalism: Mechanisms of Intergovernmental Relations in Canada and India*. New Delhi, India: Manohar.

Second Administrative Reforms Commission. (2009). *Thirteenth Report, Organizational Structure of Government of India*. New Delhi, India: Government of India, p. 140.

Singh, M.P. (1981). *Split in a Predominant Party: The Indian National Congress in 1969*. New Delhi, India: Abhinav Publications.

Singh, M.P. (2011). Accountability in intergovernmental policy. *Management in Government,* 43(1): 82–83.

Supreme Court of India. (1994). *S.R. Bommai v. Union of India*, *All India Reporter,* SC: 1918.

Verney, D.V. (2003). From quasi-federation to quasi-confederacy? The transformation of India's party system. *Publius: The Journal of Federalism*, 33(4): 153–171.

Vithal, B.P.R., and Sastri, M.L. (2002). *The Gadgil Formula for Allocation of Central Assistance for State Plans*. New Delhi, India: Manohar for Centre for Economic and Social Studies.

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# *Chapter 5*

# Public Service Ethics in India

Sangeeta Sharma

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> Be the change you wish to see in this world
>
> —**Mohandas Karamchand Gandhi**

## 5.1 Introduction

Modern India is not new to the ethical and moral challenges that surround its government and people. Corruption is pervasive in all walks of life, and some say it is the way of life. Although the legacy of the British Raj continues to dominate the ethical configuration of the Indian administration, the roots of corruption can be traced back to the Mauryan period (313 BC), when "Chanakya," better known as "Kautilya," laid down the foundations for a proper system of administration, with a democratic basis in the form of a republic. The earliest reference to an ethical code of conduct



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is found in Manusmriti.* To combat corruption, a detailed analysis has been done that can be authenticated by the statement made by Kautilya: "[I]t is possible to know even the path of birds flying in the sky but not the ways of government servants who hide their (dishonest) income …." (Kautilya 1992). In pursuance of negating the system of malpractices by civil servants, he evolved the system of punishment.† The Medieval period (AD 1000–1600) also contributed to the shaping of the various dimensions related to Indian administrative services, especially in the fields of revenue and taxation. However, civil services then had regulatory orientations.

Building a nation free of past maladies and their shortcomings was the dream of India's founding fathers. Mahatma Gandhi emphasized the fundamental aspect by saying that you must "be the change you wish to see in this world," which speaks volumes of the kind of system to which India wanted to adhere. The role of civil services greatly expanded after independence in 1947, but many argue that bureaucrats and politicians are serving their own needs rather than implementing public policies that benefit public welfare. Sandholtz and Koetzle (2000, p. 35) define corruption as "the improper use of public office in exchange for private gain." Despite the best theories on public services that are available to guide these services in the right perspective, lapses in the practice of these conceptual constructs are plainly visible across the civil services. India is currently ranked 95th on the Corruption Perception Index out of the 183 countries surveyed by Transparency International (CPI 2011). Bureaucrats and politicians are seen to use bribery, extortion, fraudulent schemes, and tax evasion, and to amass black money, among its several forms, for personal gains. There exists a vast divergence between the viewpoints adopted by the aging policy-makers in polity and the young, vibrant nation that increasingly voices dissatisfaction with public services and has increased expectations of ethical values, such as integrity and justice, from civil servants.

In India, corruption has been attributed to many factors, the most prominent being regulations and authorizations (Bhattacharyya and Ghose 1998); providing public services and public goods below market prices (Tanzi 1998); low public sector wages (Tanzi 1998; Van Rijckeghema and Weder 2001); unstable political institutions and unchecked election costs (Guhan and Samuel 1997; Jain 2001; Relly 2012); a lack of government accountability and laws that protect whistle-blowers (Guhan and Samuel 1997; Relly 2012); leadership deficits, specifically lack of political will for reform (Quah 2008); and opaque rules, laws, and procedures. Considering these problems, Quah (2008, p. 240) recently argued that "curbing corruption in India remains an impossible dream in the foreseeable future." In spite of this pessimistic view, a desire to create more effective and efficient governance structures exists and is an impetus for addressing corruption (Jain 2001). The erosion of values at the personal, professional, and societal levels is a matter of serious concern in India.

## 5.2 Legal and Institutional Structure

### *5.2.1 Legal Structure*

There is a host of laws against corruption and wrongdoing in India. The All India Service Act of 1951 empowers the Government of India to formulate rules for laying down the conditions of

* Manu is considered a lawgiver in the Hindu tradition. Manusmriti is one of the 18 Smrities. It has listed the codes and rules governing the actions of individuals, communities, and nation. They are also called the Dharamshastra or laws of righteous conduct.

† Much of our knowledge about state policy comes from *Arthshastra*, written by Kautilya at the end of the fourth century. The book, originally written in Sanskrit, discusses the theories and principles of governing a state. It has also discussed different types of corruption and how these can be curbed because the major cause of moral erosion is corruption.

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services for the persons appointed to the civil services after consultation with state governments. The Indian Penal Code regulates the moral behavior of the civil servants. This code was enacted through Act No. 45 in 1860 in British India.* Most of its content was repealed by the Government of India (Adaptation of Indian Laws) Order of 1950, and subsequently sections 161–165 were repealed by the Prevention of Corruption Act of 1988. It is an in-depth document related to the conduct of public servants. For example, "dishonesty" relates to the act of public servants with the intention of causing wrongful gains to a person or wrongful loss to another person; this act is a punishable offense. It discusses in different sections (indicated in parentheses) the offenses by or relating to public servants (166–171); offenses against public justice (191–229); offenses against public health, convenience, decency, and morals (268–294); offenses affecting the human body (299–377); offenses against property (378–462); offenses relating to documents (463–489); and offences of criminal intimidation, insult, and annoyance (503–510). Thus, if public servants are found guilty of any of these offenses or others such as misconduct in public by consuming liquor, any act of breaching the modesty of a woman, and so on, then they will be punished under the act.

The All India Service Conduct Rules of 1968 and the Central Services Conduct Rules of 1968, which emphasize focusing on "service content" as their core functional domain, laid down the rules for civil services. A clear mention has been made about using authority not other than for public welfare. The Conference of the Chief Minister, which was held in 1996, emphasized the initiation of change in policy stressing the Charters of Citizen's Rights, accountability of public servants, and transparency in administration. This was followed by a "workshop" held on November 20, 1996, in which all Chief Secretaries of States participated to prepare a roadmap to ensure the implementation of decisions taken during this workshop. The major outcomes had been translated through promulgation of the Charter of Ethics and the Civil Service Code on the basis of equality, secularism, impartiality, social justice, and the rule of law. The main conclusions are that loyalty should be only to serve the public in accordance with the rule of law, working with a focus on citizen-centered administration that stresses transparency in administration and the Citizen's Charter for all service institutions.

According to the Service Conduct Rules established in 2000, it is mandatory for the members of Central and All India Services to be responsive to the common man. The following reform areas are included: (1) developing effective and transparent systems of governance; (2) ensuring integrity in civil services; (3) promoting a code of conduct that is in line with the existing relevant international standards; (4) regular training of officials to ensure proper understanding of their responsibilities and ethical roles governing their activities; and (5) making civil services more professional and competent. The Anti-Corruption Act (amended in) of 1986 also substantiated the other efforts taken by the government to combat corruption. The important amendments enacted after independence in the years 1950, 1958, 1961, 1971, 1988, 1993, and 2000 certainly validate the seriousness of the Indian government to tackle the issue of ethics among government officials. The responsibility of the public servant is enormous; therefore, his or her personal or public conduct must be under the scrutiny of punishable acts.

Although there is no dearth of ethic laws, Mathur (2011) argues that "the conduct rules are followed more in breach than in practice" and gives a license

> to government to harass honest and dedicated officers, while the dishonest and corrupt get away due to complicated procedures involved in taking disciplinary action. The rules are totally inadequate to deal with cases of malfeasance or misconduct of public servants as they give numerous escape routes for the unscrupulous. (p. 16)

* Thomas Macaulay, a British colonialist, was the president of the Indian Law Commission, and he composed most of the code himself in 1860.

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More recently, the Right to Information Act of 2005 (RTI) provides guidelines for the practical regime to ensure access to information by citizens from the public authority to promote transparency and accountability. It emphasizes that democracy requires informed citizenry and transparency of information, which is vital to its functioning and is a means of holding government and instrumentalities accountable to the governed. The Service Conduct Rules, the Code of Conduct, and various other legislations that are enacted and amended from time to time help civil servants to maintain moral conduct of the highest order and combat corruption. Before the passage of RTI, the Central Civil Services (Conduct) Rules promoted the culture of secrecy, and they were against the spirit of freedom, but they were introduced on the recommendation of the Shourie Committee. The recently enacted RTI Act has been instrumental in empowering citizens. It has put pressure on civil servants to deliver quality services because now they must provide information, if sought, with regard to the laxity of administration or any other such issue. There is a change of the mindset from concealing information to sharing information. At the same time, this has also made civil servants more accountable, committed, and performance oriented. However, there is a need for a sea change in their attitudes to make RTI a tool of transformation.

### *5.2.2 Institutional Structure*

The institutions responsible for controlling the conduct of civil servants in performing their duties as servants for the public have a strong legacy from ancient times. The earliest reference in Indian history is of Chakshu as the institution for implementing an official check on bureaucrats to punish dishonesty (313 BC). However, British institutions still guide most of the current-day institutions of independent India. To safeguard the interests of common people, there are constitutional provisions that define the procedure of disciplinary action against any person who is found guilty of abusing authority. Constitutional Articles 309 to 311 are related to the disciplinary procedure for civil servants and dictate the imposition of penalties according to violation of the law by the civil servants. The impositions are categorized as minor and major punishments. Apart from this, there is also a system of writing Confidential Reports, which not only present impartial evaluations of the performances of the subordinates but could also, if cases of inefficiency and abuse are reported in the Confidential Report, lead to the subordinates' demotion, detainment, suspension, or even termination.

The Indian system of administration has also adopted the Swedish system of ombudsman with certain changes and created the institution of Lokayukta for the redressal of grievances through a constitutional bill presented in Parliament in 1968. This entitled the states to create institutions through the enactment of legislation in their respective state legislatures; for example, the Government of Rajasthan appointed Lokayukta in 1973 through a legislative bill promulgated in the same year. These institutions are presently functioning in 17 of 28 states. The debate on the Lokpal bill to have an Office of Lokpal, another institution for redressal of grievances, is ongoing. The bill demands the inclusion of the highest offices of the prime minister and the president within the purview of this institution. Public voices are finding an important outlet on the Internet to reach out to every individual to suggest some important premises related to this bill.

These Lokayukta and the Lokpal are important institutions to check the misuse of the enormous power granted to approximately 8 million civil servants in India. There are independent agencies, such as the Central Bureau of Investigation, the Central Vigilance Commission, and the Anti-Corruption Department, to maintain the integrity of the officers and officials.

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Every institution has its inviolability to stick to the higher moral standards and also to check the serious lapses of civil servants, and the Central Vigilance Commission is an important institution that needs some more insight. It was set up by the Government of India Resolution in 1964 and was accorded statutory status through the Central Vigilance Commission Act of 2003. Its prime functional domain relates to advice to the Union Government on all matters pertaining to integrity in administration. All ministries and departments have a chief vigilance officer who heads the vigilance division of the concerned department. At the level of state governments, similar vigilance and anticorruption machinery exists.

The Second Administrative Reforms Commission constituted under the chairmanship of M. Veerappa Moily in 2005 laid down the roadmap of reinvigorating the civil services in India. Among others, the commission was asked to make recommendations on the ethics in governance and steps to ensure the effective administration at the state, district, and local levels. It will be relatable to focus on some of the basic issues spelled out in the Fourth Report submitted by this commission on "Ethics in Governance." On the pretext of transforming the administrative system at every level of civil services, this commission has laid down the duties and responsibilities with structured and interlocking accountability in which the government servant can be held accountable for his or her actions.

At various levels of government functionaries, there are Departmental Enquiry Committees, which are set up by the respective departments to look into the complaints received against civil servants. There is also a system of judicial review, although it is not predominantly applied in the Indian system, to check the accountability of civil servants; however, the increasing judicial activism in recent times has forced the government to re-examine some of the issues of integrity that have been of wider interest. Furthermore, from the perspective of providing protection to the civil servants against any intentional damage to their prestige, administrative tribunals provide the legal remedy to control such injustices done to any civil servant.

## 5.3 The Challenge of Ethics

The ethical meltdown has vitiated the public service ethos in India. It is difficult to comprehend the fact that a country that had a plethora of ancient dicta on maintaining the highest standards of morality in the public and private lives of people has accepted nonconformity to morality in its functioning. There lies a vast difference in what India had been and what India is now. Many studies authenticate this, such as the one by Desai (2009), as shown in Figure 5.1.

Most of the bribery demands were for timely delivery of services (51%); the remaining (49%) were made to protect the self or protect business interests. Paradoxically, most bribes were given as a token for rendering services that otherwise are mandatory for officials to perform. The data closely relate to the sharp erosion of ethics, to the extent that even the rendering of the regular services that constitute the working domain of most of the public servants have been severely affected by corruption. This has led to the complete lack of public trust in the governmental system, a situation that is becoming graver with time. Also, a very interesting pattern of responses emerged to the question as to who demanded bribes and is depicted in Figure 5.2 (Desai 2009).

The decline of public ethics is substantiated by the figure, which reveals that 91% of bribes are accepted by government officials (Desai 2009). This clearly depicts the unaccountability of public officials in general and further predisposes them to immoral acts. This sharp increase in cases of corruption has led to the public trust deficit. Subsequently, these patterns point toward the increasing demand to meet the exuberant desire to make money that is contrary to the ethos

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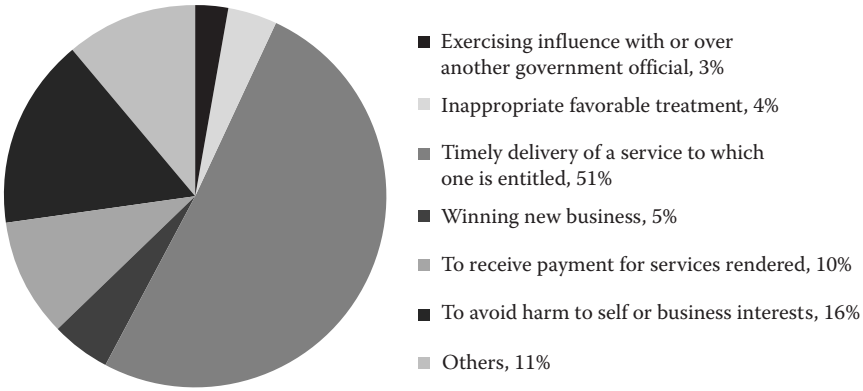
Exercising influence with or over another government official, 3%
Inappropriate favorable treatment, 4%
Timely delivery of a service to which one is entitled, 51%
Winning new business, 5%
To receive payment for services rendered, 10%
To avoid harm to self or business interests, 16%
Others, 11%

**Figure 5.1 Nature of bribe demands in India (*N* = 96). (From Desai, A., India Corruption Bribery Report, 2009. www.corruptioninindia.org.)**

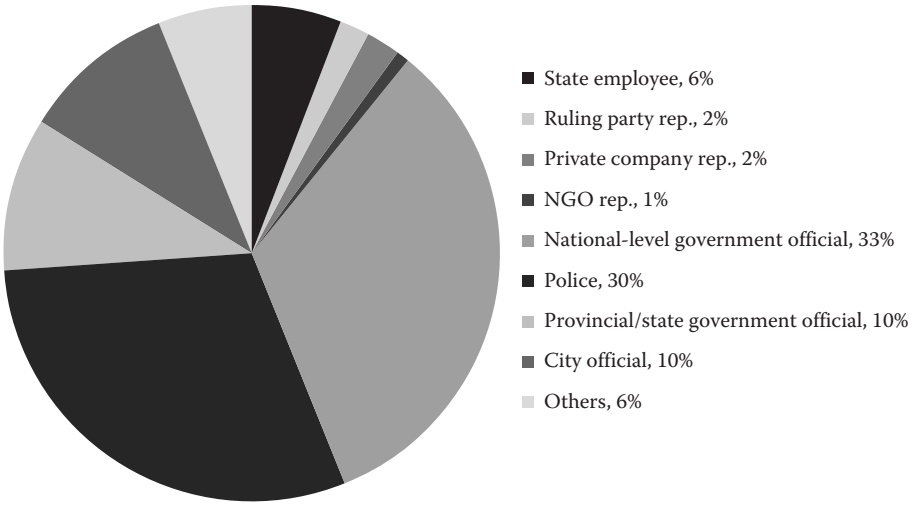


**Figure 5.2 Bribe requesters in India (*N* = 96). (From Desai, A., India Corruption Bribery Report, 2009. www.corruptioninindia.org.)**

of public service. Therefore, this is a matter of serious concern; an administrative system must work out a strategy to uphold the spirit of public administration that perpetuates the systematic execution of public law and respects the public will (Wilson 1887). The increase in the number of cases can be attributed to the dysfunctional aspect of changing dynamics. Interestingly, on the basis of analysis of secondary data of the past four years, Table 5.1 lists a few popular scams that were reported in different media during this time.

The recent cases included in the list are well reported, and they raise the question of accountability in the politico-administrative system. The role of the judiciary has been positive but has been confuted by the political class on the charge of judicial activism. This has given rise to another debate on the intrusion of the working jurisdictions of various branches of government. This also reinforces the fact that crossing the line of morality can have far-reaching repercussions. The shift

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**Table 5.1 List of a Few Quoted Scams in the Past Four Years**

| *Year* | *Scandal Details* |
|---|---|
| 2011 | Hasan Ali Khan—An Indian businessman investigated for money laundering; charged with having $8 billion in black money in a Swiss bank.<br>Devas–Antrix Deal—The former Secretary of the Department of Space, G. Madhavan Nair, was involved in a controversial Antrix–Devas deal, which violated various rules and policies to grant a deal to a private vendor, undercutting the actual market price for S-band spectrum. He was recently barred from holding any government job.<br>Indian Black Money in Swiss banks—By some estimates, approximately $1.4 trillion of black money is hidden in overseas Swiss bank accounts. |
| 2010 | 2G spectrum—$37 Billion 2G-spectrum scam by the former telecom minister, Andimuthu Raja, who was involved in the corrupt sales of telecommunications bandwidth at lower-than-market prices.<br>Adarsh Housing Society Scam—Several bureaucrats, politicians, and military personnel received apartments in a premier location in Mumbai at artificially lowered prices in exchange for bending and breaking several rules in the process of the building's construction.<br>Commonwealth Game Scam—Suresh Kalmadi, President of the Indian Olympic Association (IOA), was charged with misappropriation of funds amounting to $7.5 billion during the 2010 Commonwealth Games.<br>Housing Loan Scam in India—Officers of various public sector banks and financial institutions received bribes from private financial services for sanctioning large-scale corporate loans to realty developers, in the process compromising several procedures.<br>Belekeri Port Scam—3.5 Million tons of confiscated iron ore that was exported illegally from Belekeri port near Karwar in Karnataka; scandal estimate = $12 billion.<br>UP Food grain scam—Played out over an 8-year period (2002–2010) in Uttar Pradesh, where food grains meant to be given to the poor under various welfare schemes were sold in the open market; estimated cost = $6.34 billion.<br>Indian Premier League (cricket)—Match fixing and salary cap breaches discovered among Indian cricketers. |
| 2009 | Madhu Koda Mining Scam—The ex-chief minister of Jharkhand, Madhu Koda, amassed $800 million in graft money and is currently serving jail time.<br>Satyam Scandal—Ramalinga Raju, the chairman of India's top software firm—Satyam Computers—was arrested for artificially inflating the profits of his company for years. The fraud was estimated at $1 billion. |
| 2008 | Cash for Votes Scandal—United Progressive Alliance, the majority-holding parliamentary-party alliance of India led by Sonia Gandhi, allegedly bribed Indian Members of Parliament (100 million Rupees of 2 million USD) to survive a vote of confidence in June 2008. |

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of onus of not adhering to the public ethics is passed on one another, thus making it a convoluted conundrum. Table 5.2 details important cases that indicate that the administrative malevolence is all-encompassing. The number of registered cases of scams in the year of 2011 was 48, most or all of which are undergoing enquiry. This indicates that there is a rapid increase in initiating the enquiry pertaining to the violation of conduct rules by the Government of India, further establishing the serious intent of the government in dealing with corruption.

## 5.4 Curbing Corruption

The international scenario is equally dismal, which is explained in Table 5.3. The South Asian Association for Regional Cooperation (SAARC) countries put India in the bracket of corrupt countries. Transparency International ranks India at the 95th position with a Corruption Perception Index (CPI) value of 3.1. The rankings for CPI have been on the decline since 2008 (as seen in Figure 5.3). Efforts are underway to collectively design strategies; for example,

**Table 5.2 Corruption Cases by State**

| | |
|---|---|
| Chandigarh | Booth scam-shop allotment scam |
| Delhi | Commonwealth games scam |
| Haryana | Land scandal |
| Punjab | Facility survey scam; medical selection scam |
| Maharashtra | Adarsh housing society scam |
| Uttar Pradesh | Taj corridor scam |
| Bihar | Fodder scam |
| Karnataka | Bangalore–Mysore infrastructure corridor |
| Kerala | SNC Lavalin Power scam; palmolein oil import scam |
| Tamil Nadu | 2G-spectrum scam |
| West Bengal | Purulia arms drop scandal |

**Table 5.3 The Average Corruption Score in South Asian Countries**

| *Country* | *Corruption Ranking* | *Corruption Perception Index* |
|---|---|---|
| Afghanistan | 180 | 1.5 |
| Bangladesh | 120 | 2.7 |
| India | 95 | 3.1 |
| Pakistan | 134 | 2.5 |
| Sri Lanka | 86 | 3.3 |

*Source:* CPI, Transparency International, Corruption Perception Index, 2011. http://cpi.transparency.org/cpi2011.

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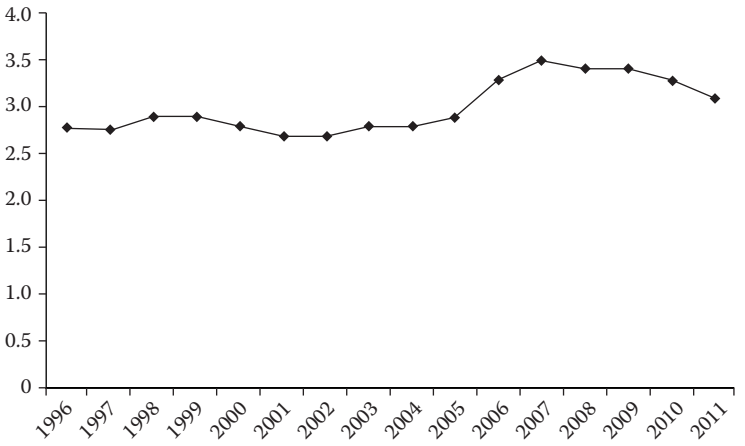


**Figure 5.3 Corruption Perception Index for India from 1996 to 2011. The scale is a 10-point scale with 0 (*highly corrupt*) and 10 (*very clean*). One hundred and eighty-three countries are assessed on a 10-point scale. New Zealand, Denmark, and Finland are the least corrupt, whereas North Korea and Somalia are the most corrupt. (From Transparency International, Corruption perception index, 2011. http://cpi.transparency.org/cpi2011.)**

the State Information Commission in collaboration with the Department of Higher Education organized a youth convention in October 2011 in Chhattisgarh to generate ideas on how to improve transparency. All states of India are launching various electronic discussion forums that are generating public opinion to imbue ethics into the domain of public services.

To strategize efforts to deal with pervasive corruption in the Indian system of governance, there is a need to work out the complete stratagem at every level of its functioning. The cleansing of this darker side of government is possible when a collaborative mechanism is devised to eradicate it from the roots. This involves the refurbished role of educational institutions in sticking to the norms of morality, the social call for negating any act of taking and giving bribes of which a pattern is already depicted, introducing a speedy castigatory process of imposing a severe penalty if found guilty of wrongdoing, bringing out electoral reforms that would set the platform for facilitating the election of people with impeccable integrity, and inoculating values among the public servants. The curbing of corruption is the fundamental conundrum for government that needs an instantaneous resolution. Some policy perspectives, which indicate that the intent of the government is clear, are highlighted, but corruption has become so systemic that a long-term perspective is needed to revitalize the effective system of governance.

The year 2011 will go down as a memorable period in Indian history because the massive campaign against corruption has sown the seeds of an ethics-laden administration. Although the mass mobilization by Anna Hazare* to legislate the strong Lokpal bill to eradicate corruption from all levels of administration might sound like a utopian idea, it cannot be belittled and derided due to insufficient support from the political system. This has also generated a debate on the national

* Anna Hazare, hailing from Maharashtra, is an epitome of true Gandhian philosophy. Of many movements led by him, the Indian Against Corruption could unite India across the different political regimes to one. This movement started on April 4, 2011 aimed at passing a stronger anti-corruption bill in the Parliament (Jan Lokpal Bill). His failure to convince the political class prompted him to begin a fast unto death on August 16, 2011, which ended after 12 days, after the Indian Parliament passed the Jan Lokpal Bill unanimously.

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definition of parliamentary democracy, which categorically proposes some steps to fight corruption. As theorists of public administration, some premeditated efforts can be suggested that need to be researched. Disagreements can be present, but concise steps to explore the latent dimensions of eliminating corruption to restore an ethics-centered administration are required. These are highlighted as follows:

- Electoral reforms that check the role of money and muscle are important policy interventions needed by the Indian government. The collusion between corrupt politicians and bureaucrats causes citizens to corrupt, and to become corruptible, as they seek basic services to which they are entitled (Desai 2009). Although prohibited under the Anti-Corruption Act, cleansing can begin only when effective electoral reforms are introduced to disallow those who use counterfeiting means to contest and win the election. All of this has completely shattered the vision of legendary icons who envisioned India as the incorruptible system of governance.
- The politico-administrative system in consonance has to respond to the public sentiments. The argumentative nature of the Indian social system defuses the seriousness of the subject, and this creates a mass of confused minds, incapable of looking at the finer points of references. The culture of healthy discussion with the readiness to incorporate public collective wisdom in deciding priorities needs to be evolved. The unnecessary delays are caused by the absence of the culture of converging diversified opinions through proper discussion. This in turn prolongs the miseries of the common man.
- The judiciary should be made more accountable to reaffirm the faith in justice. The institution of providing relief to grieving individuals sometimes adheres to superfluous means of delivering verdicts. The prolonged delay in obtaining justice is what prevents this branch from getting appreciation, causing growing discontent. In addition, the political system disrespects efforts of the judiciary to put a check on corruption, labeling these as "judicial activism." There is a need to make stringent laws to deal with the corruption in the fundamental branch of government.
- The culture of not providing information could not take its roots even after the enactment of a strong legislation (RTI of 2005). This is against the spirit of transparency. A complete makeover from civil servants is needed to understand the fact that public will cannot be executed unless the civil servants are translucent. The value-based administration would come eventually if public servants readily submit their actions to public scrutiny. There are two important prerequisites to instill a change of mindset in civil servants at large: (1) the information about misuse or abuse of authority by any public servant along with the punitive action against such individuals must be put on a Web site, and (2) a special training in behavior modification for public servants to adapt to the present scenario must be provided by the public institutions. It is extremely important to bring about a change of attitude.
- The democracy that has been the strength of the Indian system must be followed in principle and spirit. Because citizens are the epicenter of any democracy, it must be citizen centric. The elected representatives must be more sensitive to public demands, and this is of national importance. The technological tools have made it easy for any public institution to connect to people to find out public opinion. In India, referenda are not sought before finalizing public policies. It is perceived that the absence of such a mechanism has resulted in ego wars between governments and the governed. The role of a civil society should be better recognized in a democracy.

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The public administrative solutions could be many, but they require policy leverage to translate the solutions into action. The Indian government through democratic institutions has been enacting legislation, thus creating an ambience for effective policy-making since independence. Hence, it will be pertinent to look at recent policy perspectives initiated by the government to uphold public service ethics.

## 5.5 Policy Perspectives

The inevitability of change gives rise to ever-changing dynamics that set some direction to evolve a more comprehensive policy pattern. In India, especially after new economic reforms and a coalition political scenario, several new policies have been materialized. It would be pertinent to see how the policy framework was constructed to implement the obligations of some of the recent legislations. These policy architectures need to translate these legislations into reality.

1. The RTI of 2005 has given a much needed impetus to rebuild the public trust. It has also been instrumental in curbing corruption, which has been an issue of great concern for the government. In this light, the Indian government passably responded by structuring necessary institutions. The government constituted the Central Information Commission (CIC) with a chief information commissioner and four information commissioners. E-technology has facilitated a more transparent mechanism, and all decisions of CIC are being posted on the Web site (http://cic.gov.in). The states have also constituted State Information Commissions with state chief information commissioners as the ultimate authority in the respective states. This has been instrumental in dealing with the systemic malaise of corruption because the Indian system is yet to respond to the call for a culture of openness. Until recent times, the culture of secrecy was more prevalent in the domain of public services. The Second Administrative Reforms Commission has made very important recommendations pertaining to effective implementation of this act. For instance, it has recommended that the National Coordination Committee be set up under the chairmanship of the chief information commissioner with the nodal Union Ministry, the state information commissioners, and representatives of states as members. Another fundamental recommendation includes provisions of applying it to the nongovernmental bodies. Digitalization is preferred to expedite the quick disposal of cases. The growing number of applicants is a positive indication in the direction of applying the concept of good governance. This is an important intervention to ensure directly the accountability of each individual civil servant in delivering the public services.
2. The Information Technology Act of 2000 aims to provide the legal infrastructure for e-commerce in India and would have a major effect for e-businesses and the new economy in India. It was amended by the Information Technology (Amendment) Act of 2008. The enactment of this act is now changing the mode of governance from manual to digital, although there still are areas where this makeover is not complete. e-Governance is facilitated through this act. This technological shift is supported by young civil servant incumbents who are trained in information communication technology. By and large, all departments have been computerized, and government has taken the extra initiative to promote Web-based administration. As a result, in the coming years, a more transparent and ethical-based governance might emerge. This act has an effect on promoting effective and efficient delivery of services, which is imperative for upholding the ethical values of governance. There are several examples in which information technology has been used to detect and curb corrupt practices.

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The most notable is the Bhoomi project in the southern state of Karnataka. Before digitization, farmers in Karnataka had to depend on village accountants (VAs) to manage their land records. The VAs abused their powers and often were unavailable when the farmers needed their services. Farmers had to wait anywhere between 3 and 30 days and pay bribes ranging from Rs. 100 ($2) to Rs. 2,500 ($50) to obtain certificates for getting loans, pension verification, and so on. Under the Bhoomi (land) project, the Government of Karnataka set up kiosks that automated 20 million land records, allowing the farmers to access their documents within no time for a mere fee of Rs. 15 ($0.3) (Pathak and Prasad 2005).

3. The role of civil societies has surfaced more prominently in the last couple of years. Citizens' voices are now being heard, and many forums have come together to deprecate the corrupt practices. The decade of the 1990s witnessed civil society initiatives to improve the governance. It would be pertinent to refer to movements, such as the Report Card Survey of Public Affairs Centre, Bangalore; *Jan Sunwai* by *Majdoor Kissan Shakti Sangathan*, Rajasthan, and *Parivartan*, a programme for the safety of women and children by the New Delhi Police; the Campaign for Electoral Reforms and Citizens' Charter by Lok Satta, Hyderabad; and the Campaign for Effective Municipal Decentralization by CIVIC, Bangalore. Most recently the campaign India Against Corruption is mobilizing the citizens to come forward to register their vote to fight against corruption. These phenomena of collective voices in the coming years may have a cleansing effect on the conduct of public servants. The effect of civil societies is now becoming more and more visible. The recent phenomena that moved everyone to come together to fight corruption initiated by Anna Hazare on April 4, 2011, has opened new vistas of change. The Government of India on April 9, 2011, agreed to include members of civil society to draft the Jan Lokpal bill. However, unassuming attitudes of political representatives on the Joint Committee to discuss the draft of the Lokpal bill along with the members of civil society has failed to table an effective bill, which led to a fresh row, and on August 16, 2011, Anna Hazare decided to go on an indefinite fast. The Indian government is responding to the most vital parameter of democracy—voices of its people. The demand to have people with impeccable honesty in responsible positions, which might revolutionize the administrative scenario, is now increasing. The whole world witnessed a historic moment in any democracy when the nonviolent movement started by India Against Corruption obligated the different political parties to show political astuteness by unanimously passing the resolution in Parliament. This opened a new chapter in Indian democracy of responding to the public will. The onus of giving clean governance is completely on the politico-administrative system as a result of increasing civil society activism.
4. The Government of India has decided to rejuvenate the examination system to test aspirants of civil services for professional acumen, instead of testing for conventional subjective wisdom. The changed pattern of examination for the civil services became functional in May 2011, and from now onward aspirants will be tested for their aptitude for civil services. The introduction of the Civil Service Aptitude Test (CSAT) will change the scenario by screening aspirants in Phase 1, which will now include questions on reasoning, ethics and morality, language comprehension, and mathematics. This innovation will test individuals on the merits of their perceptions about ethics in administrative services, which quite decisively reflects the seriousness of the government to introduce some checkpoints to provide incrustation at the level of incumbency. Thus, to uphold these values in civil services, the Union Public Service Commission (UPSC) has introduced this new system of recruitment. This change has important ramifications for the future of civil services. The basic idea behind this change is to test the aspirants of civil services on ethical groundings. The test is designed

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to judge the cognitive capabilities to ethically deal with the ground situations as one of the major inputs in addition to other capabilities. This change is a welcoming step to invigorate moral values at the entry point so that they can replicate these values in their actions.

5. The foundations of ethical practices can be built-in only by reforming the educational sector. In this respect, the Government of India has enacted the Right of Children to Free and Compulsory Education Act of 2009, which came into force on April 1, 2010, to ensure quality education for children. Among many important decisions, it has notified respective state governments to establish State Commissions for Protection of Child Rights, which shall constitute Right to Education Protection Authority to perform the functions specified in the act. With the advent of this act, education has become the fundamental right of every child between age 6 and 14 years. Interestingly, India has become one of 135 countries to provide free education. The right to education of persons with disabilities until 18 years of age has also been made a fundamental right. Several other provisions regarding improvement of school infrastructure, teacher–student ratio, and faculty are made in the act. India has suffered on the grounds of not making education accessible to every child, and this has resulted in many anomalies in society that eventually also eroded values. This reform in the primary sector will now improve the personality of individuals and subsequently bring about grassroots change.
6. The government has decided to draft a Judicial Accountability Bill to ensure the commitment of the judiciary in 2012. This will be a very pertinent action to revamp the Indian judiciary, which is facing a tough time. The improvement of the system of justice delivery will recommence the faith in nonpartisan action by delineating politics from its ambit. Further, this intervention will put pressure on this branch to give impartial judgments. With this, many structural changes will also be introduced and efficacy will inevitably improve by sticking to the e-tools. Web connectivity has already been introduced in the judiciary, but with this change it will become more intensive and penetrative. A proposal has recently been put forth to introduce into the Indian Judicial Services (IJS) a similar structure as that of the Indian Administrative Service (IAS) and the Indian Police Service (IPS), with the aim of revamping the judiciary system in the hope of attracting young talent.

These are a few crucial recent policy interventions that set the intonation for transforming civil services. The effects of these interventions would be in creating a transparent, digitalized, sensitive, professional, and progressive governance to reverberate the moral-based administration. Although evolving a system with zero-level corruption seems to be a utopia, efforts to reduce it to a minimal level are genuinely being undertaken by the government. The common man catalyzed the government to legislate on evolving a machinery to exterminate corruption from the system. The government is reassuring the availability of financial resources by adopting a multistakeholder policy to motivate various partners in this venture. Community participation has been mobilized in many areas where there is depletion of natural resources (e.g., water management) to ensure the propriety and for building trust among different stakeholders. The experimentation in democracy never gets dried out, but for a certain period of time it may appear far-fetched.

## 5.6 Training for Ethical Conduct

Civil service in India is merit-based and provides comprehensive training to civil servants deputed in the various public offices around the country. Upon the recommendations by Paul Appleby, the Indian Institute of Public Administration was set up in New Delhi in 1953 to train civil servants.

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Later, it became the prime institution for holding special and advanced training courses for government employees. In addition, the National Academy of Administration in Mussoorie, the Police Academy in Hyderabad, the Academic Staff College, and so on provide training for different types of administrative services. At the state level, there are officer training schools. The Administrative Service Commission (1966–1970) has also recommended such training. A special emphasis was laid down by the former prime minister of India, the late Rajiv Gandhi, during his tenure as prime minister, on the need for amalgamating the traditional Indian moral values with professionalism to make public servants sensitive to the needs of the common man. Value surveys conducted by the Indian Institute of Management (IIM) Kolkata show that 75% of public sector participants believe that excellent professional management needs to concern itself with moral issues.*

The Mussoorie Resolution of 1997 states that the civil services should nurture India's spirit of harmony, tolerance, and respect for diversity; imbue integrity, professionalism, and dedication; further impartial implementation of the rule of law; maintain political neutrality; further cost-effective and efficient services and a culture of continuous improvement; and enable citizens to organize and express their needs and compel public services to respond to them.† The training curriculum focuses on the core to make civil servants aware of the entire system of administration and public welfare; on the behavioral aspects, it relates to the reorientation of mindsets of the civil servants to sensitize them to the problems of citizens. Last but not the least, field training is also given to the incumbents so that they can have practical exposure. The Second Administrative Reforms Commission in 2005 also emphasized integrated training and refocused on the importance of public administration in understanding administrative dynamics. Major training techniques for ethics include sensitivity-T-group training (most popular) and organizational behavior and laboratory group training for refreshers. Audiovisual techniques using CDs designed by management gurus are the latest trend in the training curricula of civil servants.

Moral values cherished by Indian predecessors are also relevant to training. Roots of Indian ethos, as noted by Barman (2009), include salient ideas and thoughts revealed by Indian ancient scriptures, such as

1. *Atmano Mokshartham, Jagat hitaya cha:* All work is an opportunity for doing good to the world and thus gaining materially and spiritually in our lives.
2. *Archet dana manabhyam:* Worship people not only with material things but also by showing respect to their enterprising divinity within.
3. *Atmana vindyate viryam:* Strength and inspiration for excelling in work come from the Divine, God within, through prayer, spiritual readings, and unselfish work.
4. *Yogah karmashu Kaushalam, Samatvam yoga uchyate:* One who works with a calm and even mind achieves the most.
5. *Yadishi bhavana yasya siddhi bhavati tadrishi:* As we think, so we succeed, so we become. Attention to means ensures the end.
6. *Parasparam bhavayantah shreyah param bhavapsyathah:* By mutual cooperation, respect, and fellow feeling, all of us enjoy the highest good, both material and spiritual.

* A survey was conducted by IIM, Kolkata, in 1999 to assess the mindsets of young officers as to what they think about our ancient cultural values. Interestingly, the younger generation of officers believed that heritage has an important place in molding their values, but these values are to be bent with professional demands.

† The National Academy of Administration, Mussoorie, a premiere institute of training for newly recruited civil servants also conducts feedback surveys to improvise the mechanisms of training. One such survey was conducted in 1997 to have mind-storming sessions on how to inculcate moral values among public servants.

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7. *Tesham sukham tesham shanti shaswati:* Infinite happiness and infinite peace come to them who see the Divine in all beings.
8. *Paraspar Devo Bhava:* Regard the other person as a divine being. All of us have the same consciousness, though our packages and containers are different (Barman 2009).

Another inherent aspect of the Indian value system is *karma yoga*, which is an excellent pathway for self-purification and self-development that ensures individual as well as collective growth and welfare by controlling hatred, anger, greed, and arrogance through promotion of teamwork. A person who believes in *Nishkam Karma*, an important ingredient of karma yoga, needs to inculcate three fundamental skills: (1) situational maturity; (2) humane mannerisms; and (3) use of the mind in the spirit of renunciation. This transcendence must be re-introduced as an essential component of a training module to educe the skills in delivering public services on the basis of a rational approach involving the process of aggregation and a perceptive approach involving the process of synthesis (Barman 2009). A value-centric holistic administration is the quintessence of the Indian administrative thought and must be reinforced. Because human development is the ultimate goal of modern administration, it becomes imperative to define moral requirements. The moral requirements of administrative ethics can have three ethical frameworks: individual cognitive, institutional functional, and societal normative (Sharma 2004).

## 5.7 Emerging Challenges

The ethical domain in public services faces some fundamental challenges from outside and within. The depletion of ethical values in recent decades is a real area of concern for the government. The insensitivity of the political system with regard to respecting the people's voice on issues has further complicated the situation over the years. Most of the public movements (e.g., one led by Jayaprakash Narayan*) have been suppressed and were disallowed to echo the public voices by the polity. The kind of arrogance shown by the elected representatives on fundamental issues has given rise to a debate on what democracy truly represents. Therefore, the polity as the frontal functional domain must self-introspect to find ways to uphold the values in themselves so that the public servants can circumscribe to this by inculcating moral values in their conduct. Therefore, the foremost challenge is to introduce a mechanism to know about public arpeggio before the enactment of the act. Another challenge is balancing the administrative system and the morality in practice. Further, the dynamism is changing because of the difference in the pace of technological induction and the social transformation with which a system is responding. As an upshot of this, many new problems have emerged, especially in the domain of ethics. Some of the vital problems are as follows:

- Despite several civil service reforms, laws, and acts promoting ethics, the traditional bureaucratic mindset is yet to see a major transformation.
- The willingness to uphold ethics in public services is steadily on the rise, but the willingness to generate the needed momentum is lacking.

* Jayaprakash Narayan, a social reformist in the 1970s, led the movement against political hegemony and failure of government to address to the basics of democracy and registered the biggest political debacle when the government of the day imposed a state of emergency. This was the darkest moment for Indian democracy.

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- The enactment of new acts in recent times in India, such as the RTI, the Right to Education Act, the Information and Technology Act, and now the Lokpal bill, has not led to the anticipated change because of laxity in terms of enforcement of these acts.
- The adequate machinery for executing new policies that can bring about a sea change from the perspective of those who are responsible for implementation is yet to emerge.
- The erosion of values at the personal, professional, and societal levels is a matter of serious concern that affects the sanctity of institutions.
- Research study results are not incorporated into policy-making, and this remains an elusive proposition.

The recent upsurge in the number of cases exposed related to corruption in India has affected its integrity to some extent. The political myopia to overlook the ethical meltdown in the conduct of elected representatives has made the bureaucracy corrupt. The bureaucratic system has the sanctity of being an institution of conversion of public demands into operational reality irrespective of the type of political system. Interestingly, an effort has been made to categorize bureaucratic lies with the pretext that if any bureaucrat lies, he might personalize the system of authority to attain his individual gains, which is detrimental for the society as such. Further, three categories of such lies are identified—systemic, relational, and behavioral—to understand the mechanics of lying (Sharma 2006). Therefore, it is essential to understand how this nexus among political, administrative, and private systems has subverted public respect, which has defied the spirit of democracy. Among many reasons, the primary reason is the lack of transparency that has created a nebula of opacity around administrative services. Moreover, it has given rise to the culture of "nonsharing," which has widened the gap between administration and citizens, causing a trust deficit. However, the intensions of the government are clear and are supported by judicial activism; hence, India may soon look forward to evolving administrative procedures that are simple and easy to digitalize, leading to more understandable policy designs and invariably invigorating ethics in public conduct. The young aspirants to civil services are more tolerant of the ethnicity of different sections of society, are more professional, and are ready to share information. This positive undercurrent that is far more visible in the present scenario will reshape the ethics of public services having roots in the enriched Indian value system. The guiding ethos for the evolving system of civil services based on morality are reflected in the everlasting statement of Mahatma Gandhi, who said that politics without principles, wealth without work, commerce without morality, education without character, pleasure without consciousness, science without humanity, and worship without sacrifice are detrimental for any civil society. Anna Hazare's movement has recently reaffirmed the faith in nonviolence and has given a new hope to young India to fight corruption at two different levels—one at the governmental level and another at the personal level—by not accepting and giving any bribe for services rendered.

Change is inevitable, but direction must be provided to nurture humane values in civil services in particular and in society in general. This is also true for the Indian administrative system, which cannot afford to have low receptivity to newer ideas and continue with the system of obsolete procedures, traditions, and practices, although there are some cultural constraints that prevail in the area of administration. Hence, there is a need for change and innovation. The proper value inculcation would require two types of activities: growth-accelerating activities and growth-retarding activities (Sharma 1996). The finality remains an illusion; however, pathways are visible to enlighten those who have followed corruption as the easy way for fulfilling their materialistic desires through civil services. There will be no dearth of suggestions to improvise, but a more realistic policy design is the need of the hour to cleanse a few deceitful minds to meet

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the challenge that requires intense efforts to maintain social coherence. The notional deciphering of concepts would be an impending theoretical input to work out a strategy to reinforce the ethics.

## 5.8 Conclusion: A Prognostic Perspective

The Indian system of governance has a legacy of adhering to certain practices from its colonial lineages. After its independence, it seems that colossal dilemmas hindered the craving for a path to a self-sustained system of governance. It was perhaps foreseeable in the nascent phase, but no clear vision did emerge (even after a couple of decades) as to how to govern. The transplantation of certain systems from other countries did not give the expected results for a simple reason of not maneuvering the borrowed systems properly. The reformists' approach in the 1980s set some new directives by bringing out initial changes in the industrial sector by redefining through the industrial policies of 1981 and 1983. However, the late 1980s and early 1990s witnessed some difficult times because of political turmoil that also affected the values of public services in the same period. The decade of 2000 witnessed some major policy directives to respond to the demands for professionalism that started growing in the echelons of administrative services. This led the government to act indelibly in the direction of imbuing ethically regulated behavior in 2011. This succinct description comprehensively sketches the journey of civil services to feel the ridges of development.

The nature of administrative services is a reflection of the socioethical culture that any system inherits. The Indian polity has witnessed different phases of development, invasions, turmoil, and reconstruction, but it continues to give new hope for creating a virtue-based system. With its long history of cultural heritage, the Indian system could not deliver the expected results, especially after independence. To set a future course of action, a few difficult areas of Indian Civil Services need to be addressed. A realistic analysis will help us to understand the weaknesses that must be handled carefully to recapture the past glory of India. The major areas that require immediate attention are as follows:

- The existing relationship between politicians and civil servants has lost the thrust of service from its focus. This can be authenticated with a continual increase in corruption (evidenced in Figure 5.3).
- The lack of willingness to implement the recommendations of appointed reform commissions, enquiry committees, and other subject-related bodies.
- The brain drain, which is the result of an absence of effective manpower planning, also affects ethical issues.
- The spiritually deficient acts of public servants, which in turn are responsible for the erosion of ethics, are preventing administrators from taking a correct view.
- The emergence of India as a society, which has often misinterpreted the concepts of liberty, responsibility, and accountability, has diluted the fight on moral issues.
- The population growth that has deterred the momentum of building a value-based system has also dissuaded the formation of an egalitarian society.

It seems paradoxical that having a long history of written and practicing ethics in the past, India has witnessed a sharp decline in the post-independence era. The reasons are visible and include time-to-time invasions shaping the Indian Civil Services, the lack of a politico-administrative commitment to work collectively for elimination of sickening elements, the delays in

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delivering services, an upsurge of intolerance, and so on. However, after the late 1990s, some visible indications of a revival of "Vedic" culture* among the working middle class were evident, thanks to different theological organizations, such as the Art of Living, the Brahma Kumaris Peace Foundation, and also yoga. The Indian philosophical anecdotes are once again refurbishing values into services. The socioethical movements through e-networking are emphasizing the need to change the mindsets of people in general and civil servants in particular to remain imbued in morality. In this regard, the Indian system of governance is also taking steps to reconstruct and strengthen morality among civil servants; these steps include the following:

- The 73rd and 74th Constitutional Amendments, which empowered the local institutions of governance, are now delivering results by setting the practical example of good governance. The devolution of power has strengthened the core of ethics in local governance.
- Adapting to the emerging concept of e-governance with the purpose of creating an efficient, economically viable, and ethically strong system of bureaucracy.
- The establishment of the Knowledge Commission has resulted in the conversion of knowledge into practical wisdom.
- The RTI of 2005 was a step in the right direction to combat the unethical practices of civil servants. It will also improve the relationship between politicians and bureaucrats, which at present is not harmonious.
- The positive role played by the electronic media in having awakened the citizenry through various operations is helping the common man to understand the mechanisms of corruption. E-tools have helped the common man to raise his voice against the malpractices of public servants that now resonate in the corridors of power.
- Rejuvenating the moral values at the microlevel in society so that those who can conduct themselves in accordance with the high moral standards can transform the future of civil services.
- The emerging role of civil societies as the catalyst of social transformation is a new phenomenon in India. Further, as more vigilant observers, they may put pressure on the government to check any deterrence of morality in governance.
- The enactment of the Lokpal bill would be a milestone in shaping Indian bureaucracy. With the commencement of this bill in the near future, the entire politico-administrative system would become accountable.

What one can construe from this is that any society that is devoid of an ethical core not only affects humanity but also puts the younger generation at risk. Administrative services are the most fundamental delivery systems of converting inputs into outputs to the extent that people mostly feel connected with these institutions in a more buoyant manner. An ethically regulated society can be created only when it develops a politico-administrative system that is sensitive, responsive, and accountable. To create such a system, ethics need to be relocated at the core of administrative

* We find glimpses of the administration in Vedic literature, Buddhist treaties, Jain literature, Dharamshastra, Puranas, Ramayana, Mahabharata, Manusmriti, and Shukraniti. There are 4 Vedas, 18 Puranas, 108 Upanishads, and Gita that present the quintessence of knowledge. The ultimate aim of Vedanta is moksha. Vedantic advaita (a holistic approach) will help people to move from self-centeredness to collective responsibility. To note a few instances, Yajurveda, one of the four Vedas, advises the ruler to preserve the common good by acting in a moral and virtuous way. There is ample spiritual guidance for good behavior. People in government must adhere to a trinity of moral duties ultimately resulting in *Sarva Kalyankari Karma,* maintaining *Sarva Loka sangraha*, and aiming at *Sarva Hitaratha.*

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activity. The conscientious actions are the guideposts of ethics-centered governance that eventually strengthen the moral fiber of society. The past has been virtuous, and the future will adhere to the virtues sensitizing individuals from all walks of life into morality. India has always risen above divisive politicking and will continue to remain nonpartisan in the political space. The strength lies in maneuvering dicta that perpetuate ethics-based ethos in practicing administration. The public domain of public services must ensure value-driven services to its people. In times when moral values are declining, it is pertinent to have a moral prudence in the public services, which are the innate property of human beings. Hence, an awakened conscience will be manifested in all acts of public servants, leading to the ethical concinnity that allows them to differentiate between right and wrong in their actions. The public service ethics are eternally transcending different social conglomerations.

## References

Appleby, P.H. (1953). *Public Administration in India: The Report of Survey*. New Delhi, India: Cabinet Secretariat, Government of India.

Barman, H. (2009). Indian ethos and values in modern management. In R.K. Arora and T. Saxena (Eds.). *Excellence, Ethics and World of Management* (pp. 100–118). Jaipur, India: Alekh Publisher.

Bhattacharyya, D., and Ghose, S. (1998). Corruption in India and the hidden economy. *Economic and Political Weekly, 33*(4), 2795–2799.

Desai, A. (2009). India corruption and bribery report. Accessed August 21, 2011. www.corruptioninindia.org.

Guhan, S., and Samuel, P. (1997). *Corruption in India: Agenda for Action*. New Delhi, India: Vision Books.

Jain, A.K. (2001). Corruption: A review. *Journal of Economic Surveys, 15*(1), 71–121.

Kautilya. (1992 [1987]). *The Arthashastra* (ed. and trans. L.N. Rangarajan). New Delhi, India: Penguin Books.

Mathur, B.P. (2011). *Values and Ethics for Public Services*. Unpublished article.

Pathak, R., and Prasad, R. (2005). Role of e-governance in tackling corruption: The Indian experience. Paper Presented at the *Network of Asia-Pacific Schools and Institutes of Public Administration and Governance (NAPSIPAG)* Annual Conference, 5–7 December, 2005. Beijing, PRC.

Quah, J.S.T. (2008). Curbing corruption in India: An impossible dream? *Asian Journal of Political Science, 16*(3), 240–259.

Relly, J.E. (2012). Examining a model of vertical accountability: A cross-national study of the influence of information access on the control of corruption. *Government Information Quarterly, 29*, 335–345.

Sandholtz, W., and Koetzle, W. (2000). Accounting for corruption: Economic structure, democracy and trade. *International Studies Quarterly, 44,* 31–50.

Second Administrative Reforms Commission. (2005). Unlocking human capital: Entitlements and governance—A case study. New Delhi, India: Government of India.

Sharma, S. (1996). Reassessing Indian administrative culture premises. In C.M. Jain and A. Hingar, eds. *Administrative Culture Premises & Perspective* (139–148). Jaipur, India: RBSA Publishers.

Sharma, S. (2004). Administrative ethics: A road ahead. *Indian Journal of Public Administration, 1*(2), 71–75.

Sharma, S. (2006). Bureaucratic lies: The ethical blockade. *Dynamics of Public Administration*, *19–20*(1–2), 86–94.

Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. Working Paper WP/98/63 International Monetary Fund.

Transparency International. (2011). 2011 Corruption perception index. Accessed August 16, 2012. http://cpi.transparency.org/cpi2011.

Van Rijckeghem, C., & Weder, B. (2001). Bureaucratic corruption and the rate of temptation: Do wages in the civil service affect corruption, and by how much? *Journal of Development Economics, 65*(2), 307–331.

Wilson, W. (1887). The study of administration. *Political Science Quarterly*, *2*, 197–222.

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# *Chapter 6*

# Freedom of Information in India

Rumki Basu

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## 6.1 Democracy, People's Empowerment, and the Right to Information

Most historians and political theorists would agree that the major part of the twentieth century witnessed an irreversible march of the administrative state in every part of the world, irrespective of the nature of the political regime. All mass movements since the eighteenth century have contributed to the revolution of rising expectations of citizens from the state. This "demand overload" on state delivery systems has led to an increase in the volume and variety of public administration. The industrial and commercial revolutions brought government into industry and commerce. Nationalism, imperialism, and internationalism widened the scope of state functions, whereas increasing population, urbanization, and public communications diversified governmental activities. Even in the present postglobalized era, marked by liberalization and privatization of political economies and a rollback in the powers of the state, there is hardly any aspect of a citizen's life that does not involve public regulation over private concerns.

In today's "administrative states," many writers have voiced their concern over the issues of responsiveness and accountability of the administration to democratic norms and procedures. To safeguard individual rights and liberties against bureaucratic abuse, an increase in people's vigilance and participation in politics is necessary. The main problem of administration in developing societies is to reconcile an authoritarian ex-colonial administrative culture on the basis of a notion of passive public participation to the demands of development administration that needs active public cooperation and support to fulfill the main targets of developmental plans administered by the government.

One of the norms of democratic administration is that power should be commensurate with responsibility and that the holders of public office should be accountable to the people for the exercise of authority. This is considered an effective safeguard against the misuse and abuse of power by public authority. Various forms and measures of public accountability of administration have been devised in all democratic states, including India. Public accountability consists of the constitutional, statutory, administrative, and judicial rules by which public officials may be held accountable for their official action. Various formal methods of control (legislative, executive, and judicial) have gradually evolved to ensure the public servant's accountability and responsiveness to the public will in democracies. The latest effort in this direction is the passage of the Right to Information (RTI) Act in 2005.

With the ever-increasing functions and importance of public administration in modern states, the issue of public accountability has assumed great importance. In developing countries, where the bureaucracy becomes the chief agent of socioeconomic change and progress, they have to be given a wide range of discretionary authority to perform their functions. No clear norms and procedures exist, and in many situations bureaucrats are largely left to themselves to make decisions. In the administrative systems embedded in the culture of secrecy that pervades many of these countries, an effective system of public control over administration is an absolute imperative to curb authoritarian tendencies of the administration and safeguard the rights and liberties of citizens.

## 6.2 RTI: The Indian Scenario

The RTI Act of 2005, which came fully into effect on October 12, 2005, is a landmark in the history of parliamentary legislation in India. The act is one of the most radical of its kind anywhere in the world, and it attempts to bring about transparency and accountability in all three organs of government: legislative, executive, and judiciary. In the 7 years since its enactment, the RTI Act has been extensively used in all states of India, including rural and urban areas. In fact, it has

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become so popular that governmental attempts to amend this law to make access to information more difficult have been fiercely opposed by civil society groups and the public at large.

### 6.2.1 RTI as a Constitutional Right

The legal position with regard to RTI has developed through several Supreme Court judgments in the context of the Right to Freedom of Speech and Expression (Article 19(1) (a) of the Indian Constitution), which has gradually widened the scope of the right. The development of RTI as a part of the constitutional law of the country started with a petition by the media to the Supreme Court for the enforcement of certain logistical implications of the right to freedom of speech and expression. It was through cases of this kind that the concept of the public's "right to know" developed.

Here is an excerpt from the Supreme Court judgment in *Secretary, Ministry of Information and Broadcasting, Government of India and others v. Cricket Association of Bengal and others* (1995).* The court observed:

> [T]he right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views. One sided information, disinformation, misinformation and non-information all equally create an uninformed citizenry when the medium of information is monopolized either by a partisan central authority or by private individuals or oligarchic organizations.

In *S.P. Gupta vs. Union of India*,† Justice P.N. Bhagwati observed:

> The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Art 19(1) (a). Therefore disclosure of information in regard to the functioning of the Government must be the rule and secrecy an exception.

### 6.2.2 RTI Movement in India

Notwithstanding the constitutional provisions and Supreme Court judgments, the real movement for the RTI originated from the grassroots-level movement based in Devdungri, a tiny place in the federal province of Rajasthan. In 1987, four human rights activists—Nikhil Dey, Anchi Singh, Shanker Singh, and Aruna Roy—chose to stay in Devdungri working on livelihood issues such as payment of lawfully guaranteed minimum wages in state development projects as well as equitable distribution of edible items under the public distribution system (PDS). Demand for free access to information became an important aspect in the context of minimum wages. Almost every time the activists demanded access to state documents, it was denied to them under the excuse of the Official Secrets Act of 1923, which governed all matters of secrecy and confidentiality in governance. Although the law largely deals with matters of security and provides a framework for dealing with espionage/sedition and other assaults on the integrity of the nation, it created a culture of secrecy, resulting in confidentiality becoming the norm and disclosure the exception in government dealings with the public. The RTI movement in Rajasthan started with the lawful demand for access to documents and records relating to state development works.

* (1995) 2 SCC 161.
† AIR 1982 SC 149.

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The method of *jan sunwais* (public hearings) was identified as an instrument for demanding the RTI. The Mazdoor Kisan Shakti Sangathan (MKSS), a grassroots-based organization of workers and peasants, held several *jan sunwais* between 1994 and 1995.* The demand of MKSS for transparency in the expenditure of all development funds in the respective region was voiced through the *jan sunwais*. The MKSS managed to access documents that pinpointed massive "irregularities" in certain state development projects. The MKSS invited local politicians, government officials, human rights activists, and the press in the public hearings. For the first time, corruption came to be publicly exposed by collective action at the grassroots level. MKSS organized more *jan sunwais* and *dharnas* (strikes) demanding the right to access information from public bodies. The Rajasthan experience came to be echoed in other states by civil society groups and organizations. In 1996, a nationwide network of senior journalists, lawyers, distinguished bureaucrats, academicians, and nongovernmental organizations (NGOs) vigorously advocated the amendment of the Official Secrets Act of 1923 and initiated legislation on the RTI. The first major draft legislation on the RTI was circulated by the Press Council of India in 1996. The draft affirmed in its preamble that the RTI already exists under the constitution as the natural corollary to the fundamental right to freedom of speech and expression under Article 19(1). It stated that the legislation merely seeks to make explicit provisions for securing to the citizen this right.

The Government of India then constituted a working group under Mr. H.D. Shourie, a well-known civil society activist. The working group submitted the draft bill on the freedom of information (FOI) in May 2007. In 2000, the center brought out a draft of the FOI bill, which was a reworked version of the Shourie draft bill. The parliament passed the FOI Act in 2002. However, the act could not be brought into force because it was not announced in the Official Gazette and as a result was never enforced. Then the central government decided to repeal the FOI Act of 2002 and enact a new legislation on the basis of the suggestions of the National Advisory Council and the final report of the Standing Committee on Personnel, Public Grievances, and Law and Justice. The bill was passed by both houses of parliament in May 2005 and received the consent of the president on June 15, 2005. The RTI Act came into force within 120 days of its enactment (i.e., on October 12, 2005).

### *6.2.3 Legislation in States*

Meanwhile, nine states (federated units of the union of India) have enacted their own laws on RTI. These include Goa (1997), Tamil Nadu (1999), Rajasthan (2000), Maharashtra (2000), Karnataka (2000), Delhi (2001), Assam (2002), Madhya Pradesh (2003), and Jammu and Kashmir (2009).

A comparative analysis of RTI Acts in these nine states is based on six common features: exemptions, *suo motu* disclosures, structure, appeal procedure, time limit for giving information, and penalties for noncompliance may be attempted. In most states, the list of exempted documents and information is rather long. In some of the states, the laws are far from ideal, and their implementation has left much to be desired. However, the process of demanding a law, drafting model legislation, and putting pressure on the state governments for enactment required popular mobilization. For instance, a very weak state RTI Act in Maharashtra was repealed in favor of another act because of the ingenuity emanating from people's organizations and from individuals, such as Mr. Anna Hazare. It was largely because of this great social activist's effort that Maharashtra has one of the strongest state RTI Acts now in India.

* The MKSS organized its first *jan sunwai* (people's hearing) on December 4, 1994 in Bhim and Vijaypura (both in Rajasamand district); on December 7, 1994, and December 17, 1994, respectively; in Jawaja in Ajmer district on January 7, 1995; and in Thana in the Bhilwara district of Rajasthan on April 25, 1995.

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## 6.3 FOI Laws: A Comparative Perspective

There are many common features found in FOI laws in India and around the world. In countries such as India, this right is given only to citizens, but most countries also give this right to noncitizens. In most countries, the law applies only to public authorities. In the United States, Canada, and South Africa, FOI laws are applicable only to the executive. In the United Kingdom, it is applicable to the legislature as well but not to the judiciary. Only in India is the act applicable to all the three organs of the state. In federal states, state/local governments enact separate laws for their areas/levels of jurisdiction and governance. Regarding access to information held by private bodies, there is a limited right in many countries (e.g., South Africa). Many FOI laws make it mandatory for government agencies to release on their own certain categories of information on their Web sites. This includes details of government hierarchies and key functionaries, texts of operational laws and public policies, and important rules and procedures followed in governmental decision making. This *suo motu* disclosure often leads to substantial reduction in the number of requests for disclosure of information.

All FOI laws have specific "exemptions" to protect national security, personal privacy, and law-enforcement-related information from public disclosure. Other exemptions may be related to internal treaties, commercial confidentiality, internal discussions, and information received in confidence by government bodies. Most laws require that "harm" must be demonstrated before the information can be withheld from the public. A right of appeal (independent of government officials) is also normally inserted in the FOI laws.

The appeal mechanism includes administrative reviews, court reviews, or oversight by independent agencies. A growing trend is to create an independent information commission. The final level of review in almost all countries is an appeal to the national courts. FOI laws also include provisions for imposing sanctions on public bodies and individual employees in cases in which information is deliberately and illegally withheld. Most laws provide penalties ranging from fines to imprisonment. Violations may involve delay or refusal to provide information and altering or destroying documentary evidence.

Most of the FOI laws provide that the onus is on the public authorities to explain the rationale behind denial of information. All FOI laws include some exemption from withholding personal information. Conflicts have emerged in many countries between the right of access to information and the individual's right to privacy. Finally, FOI laws are based on the assumption that there is a record-keeping system in place that allows for the easy storage and disposal of information. However, the reality is that most countries are struggling with the management of their data systems (to decide what to keep and what to destroy) in addition to setting new rules for organizing and retaining electronic mail and files.

## 6.4 RTI Act of 2005: Major Provisions

The RTI Act of 2005 (hailed globally as an example of best practice) is comprehensive, which includes provisions for independent appeals, proactive disclosure, and penalties for noncompliance. Its major features are discussed in this section.

The RTI Act of 2005 confers a constitutional RTI to citizens, and the word "information" is broader in ambit than just records or documents. Information includes permission for the inspection of public works. It also covers information relating to a private body that can be accessed by a public authority under any other law for the time being in force (Section 2(f)). The list of

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information to be proactively published by public bodies is also fairly large. Public authorities have been asked to publish the allocated budget of each agency; proposed expenditures; the manner of execution of subsidy programs; recipients of concessions, permits, and licenses; and facts taken into consideration while formulating policies. Public information officers (PIOs)/assistant PIOs are to be appointed in all administrative units/offices as may be necessary to provide information to persons requesting it. The act lays down the time limit as 30 days (Section 7) for normal applications and 40 days where a third-party submission is called for (Section 11(3)). It is interesting to note that these time limits are reduced to a mere 48 hours where the information sought "concerns the life and liberty of a person" (an innovation by global standards). The application fee is to be reasonable (currently Rs. 10), and no fee is to be charged to persons who are below the "poverty line" as determined by the government. When a public authority fails to comply with time limits under the act, the information shall be provided free of charge. The act provides for the establishment of a central information commission (CIC) at the center and state information commissions (SICs) in all states, comprising a chief information commissioner and other information commissioners. The information commissions can make any order required to bring about compliance with the law, including release of documents, appointment of PIOs, and publication of specified information. A central CIC will be appointed by a committee consisting of the prime minister, the leader of the opposition, and a union minister nominated by the prime minister. Every PIO can be penalized Rs. 250 per day up to a maximum of Rs. 25,000 for not accepting applications; for delaying information release without reasonable cause; and for providing incomplete, incorrect, and misleading information. The act exempts cabinet papers, information covering a wide range of central intelligence and security agencies, and information that is more than 20 years old. Appellants need to be informed of the reasons for the rejection of the case, the period within which an appeal can be made, and the particulars of the appellate authority to which they can appeal.

Appellants can lodge a complaint with the CIC/SIC as the case may be if they were

- Unable to submit request to PIO/APIO
- Refused access to information
- Not given a response within the stipulated time limit
- Required to pay an unreasonable fee
- Given incomplete, misleading, or false information
- To require information on any other matter relating to access to records

The RTI Act defines information in a very broad manner so that the citizens can have access to many items. Information means any material in any form, including records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material, and information relating to any private body that can be accessed by a public authority under any other law for the time being in force.

"Public authority" under the act means any authority or body recognized by the constitution or law made by parliament or any state legislature. Some categories of information that can be exempted from disclosure are related to

- Information which would affect the security, strategic, scientific or economic interest of the state, or conduct of international relations
- Any information, the disclosure of which may constitute contempt of court
- Any information, the disclosure of which would cause a breach of privilege of parliament or state legislature

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- Any information, including commercial confidence, trade secrets, or intellectual property, the disclosure of which would harm the competitive position of the third party
- Cabinet papers and deliberations of the Council of Ministers and their secretaries

Notwithstanding anything in the Official Secrets Act of 1923, a public authority may allow access to information, if public interest in disclosure outweighs "the harm" to the protected interests.

Since 2006, amendments are being contemplated in the act. However, the outcry and disagreement within (and outside) the ruling coalition in the central government led to the proposals being dropped. The Department of Personnel and Training (the nodal agency in charge of implementation of the act) has said that it is considering amendments to the act, but it will act only when a public consensus emerges. There was a proposal to exempt "file noting" and examination papers of the Union Public Service Commission from disclosure. There is another proposal to prohibit frivolous and vexatious applications. Activists hold that all of the existing problems can be remedied through changes in the rules, training of the staff, and better record management by public authorities. A change in the act should not be contemplated.

### *6.4.1 Observations*

Although the ambit of the act includes only public authorities (central, state, or local), it also includes bodies substantially financed by the government, which has also been interpreted to mean private or NGOs. "Information" has been defined to include information relating to any private body that can be accessed by a public authority under any other law for the time being in force. The role of the CIC has been to continuously increase the ambit of RTI. All public authorities have been asked to publish all relevant facts while formulating important policies or announcing decisions that affect the public and provide reasons for administrative or quasi-judicial decisions to affected persons. Exemptions under 10 categories are provided under the Act (Section 8(1)). These may be overridden in the public interest. Only in the case of infringement of copyright vesting in a person other than the state does there exist absolute exemption (Section 9). Under provisions of Sections 8(1), 9, and 18, intelligence and security organizations listed in the Second Schedule do not come under the purview of the act unless these are allegations of corruption and human rights violations. The first appeal lies with the officer who is senior in rank to the central public information officer (CPIO)/state public information officer (SPIO) in each public authority (Section 19(1)). A second appeal lies with the CIC or the SIC (Section 19(3)). There is a bar on jurisdiction of courts (Section 23). However, because the RTI is a constitutional right, the citizens have a right to go to a high court or the Supreme Court.

There are several cases in which the commission has awarded compensation to appellants/complainants. *Mohd. Samed Khan v. NTPC* was a case that involved land oustees of the National Thermal Power Corporation (NTPC) project in Farakka. The commission decided that the NTPC should pay the appellant an amount equal to the total payments made so far to another employee (land oustee), who was earlier offered employment in the minimum scale of pay plus admissible allowances.*

* This is assuming that the respondent was at least offered the job of an attendant on an average amount of Rs. 4,000/- p.m. for 282 months (January 1985 to June 2008), which comes to Rs. 11.28 lakh. This should be paid before July 30, failing which interest at 0% p.a. would be applicable (*Mohd Samed Khan v. NTPC*, Decision no. 2570/IC(A)/2008 dated June 16, 2008).

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The power to impose penalties and disciplinary action lies only with the Information Commission and not the First Appellate Authority (the Departmental Appellate Authority). Section 20(1) of the act provides that where the commission (at the time of deciding any complaint or appeal) is of the opinion that the PIO has withheld information (without any reasonable cause), it shall impose a penalty of Rs. 250 each day until application is received or information is furnished. However, the total amount of such a penalty shall not exceed Rs. 25,000. A scrutiny of decisions of the commission over a period of time reveals that, to begin with, the commission took a lenient view of some delay. However, the commission has become quite strict with time, and in almost all cases in which there has been a delay in furnishing information, it has issued show cause notices to the CPIO and imposed penalties. For example, in *Asghar Khan v. Jamia Hamdard University, New Delhi*,* the commission imposed a penalty of Rs. 13,450 on the PIO. Professor Akhtar Majeed asked the vice chancellor of Jamia Hamdard to recover the amount of the penalty from the salary of the PIO. In *Manju and others v. Directorate of Education, Government of NCT of Delhi*,† the commission observed that Section 7(1) allows 30 days from the date of making the application for the CPIO to provide the information applied for. Therefore, penalties would begin to apply from the 31st day of the date of receipt of the application. The PIO was held liable u/s 20(1) of the RTI Act, and a penalty of Rs. 3,500 was imposed on him. The director (education) was authorized to recover the amount and report compliance.

However, one great area of concern is the persistent lack of action by the authorities after relevant information is obtained and presented. In addition, the criminal justice system also takes its own time to decide cases if the penalized authority moves to court.

## 6.5 Accessing Information: Case Studies

With the enactment of the RTI Act, all citizens have the right to access information about issues that affect their lives. The act covers not only public authorities at the federal level but also the states and local self-governing bodies in the three tiers of governance in India. Thus, Indian citizens across the country in a village, city, or district town can demand information held by public bodies and recipients of government grants. The RTI Act has been imaginatively used several times by citizens to sort out problematic issues, to demand entitlements, to expose irregularities and corruption in implementation of public policies, to demand justice for human rights violations, and to facilitate development works in any area. The RTI Act covers a wide range of agencies in its coverage. It includes NGOs substantially or indirectly funded by the government or private bodies that can be accessed by a public authority under any other law in force.

Access to information under the RTI Act is extensive, with minimal "exemptions." One of the key elements underlying a good FOI Act is a powerful information commission, which can review and set aside decisions by public authorities. This is exactly what has been provided by the act in India. In the case studies given below, we will explain how the RTI has been used to improve governance in India. The entire structure of governance in India was ruled by the Official Secrets Act, which prohibited a government official from giving out any information unless expressly ordered to do so by a senior authority.

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* *Asgar Khan v. Jamia Hamdard University*, New Delhi (CIC/OK/C/2006/00042 dated July 28, 2006).

† *Manju and others v. Directorate of Education, Government of NCT of Delhi* (CIC/WB/A/2086/0022/233-46 and 247-55 dated October 4, 2006).

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### *6.5.1 Access to Service Record*

In the case of *Smt. Laishram Ongbi Tombi Devi v. Department of Power, Government of Manipur* on July 7, 2007, the complainant had filed an application with the PIO of the Department of Power to provide some information regarding the service record of her deceased husband, who had served in the power department of the Government of Manipur. The SPIO refused to oblige. Only when the complainant took the matter to the state CIC was she provided with copies of the requested information.*

### *6.5.2 Grievance Redressal Mechanism*

Sukhlal of Ramnagar in the Anuppur district in Madhya Pradesh bought an insurance policy of Rs. 25,000 from the Life Insurance Corporation (LIC) of India in 1989 that was to mature in September 2004. Because of his accidental death in January of that year, his widow claimed the insurance amount that was due to her. LIC sent a check of Rs. 25,000 in the name of Sukhlal, although the policy entitled his wife to double benefits because of the accidental death of her husband. Despite frequent visits to the LIC office, the claim amount was denied to her until she filed an RTI application in October 2006, and the LIC issued the full amount due.†

### *6.5.3 Exposing Corruption*

A resident of Darrang district, Assam, came to know that the state government was distributing free cooking gas cylinders to the poor, and many in his village had benefited from the scheme except him, although he was one of the poorest in his village. When he was informed about the RTI Act of 2005, he immediately filed an application asking for the list of beneficiaries under the above scheme. Surprisingly, a list of 17 was handed to him, of which his name was on the top. Empowered with this information, he complained to the district commissioner of the Darrang district, and all 17 beneficiaries, including him, were sanctioned gas cylinders immediately under this scheme.

Likewise, in Panchampur village in the Banda district of Uttar Pradesh, villagers (through RTI) asked for a description of activities mandated under the National Rural Employment Guarantee Scheme (NREGS) along with a muster roll. Upon receiving the requisite information, they performed a detailed verification of these activities in the area. The survey revealed many discrepancies in the implementation of the government's flagship program in the social sector.

The Poorva Madhyamik Vidyalaya was a school with a sole teacher in an interior village in the Banda district of Uttar Pradesh. The parents of children studying in the sixth, seventh, and eighth classes of the school had been complaining of "absenteeism" against the teacher for a long time. On December 15, 2006, 15 villagers drafted RTI applications and filed them with the PIO of the primary education officer at the Banda district headquarters, demanding information about the "attendance," "leave," and "medical" records of the school teacher. Subsequently, the teacher under scrutiny was dismissed, a new school teacher was appointed, and teaching resumed in the village school.‡

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* See *The Right to Information Act of 2005* by Aruna Roy, Nikhil Dey, and Suchi Pandey in India—Social Development Report 2008, OUP, pp. 205–220.

† See Sudhir Naib, *The Right to Information Act 2005: A Handbook* OUP, 2011, pp. 34–38.

‡ Ibid.

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### 6.5.4 Improving Functioning of Public Bodies

In 2002, Parivartan, a Delhi-based NGO, used the Delhi RTI Act of 2001 to obtain copies of contracts for public works in two resettlement colonies in East Delhi. Later, when the same NGO conducted a social audit of 68 public workers, it was revealed that most of the public workers were nonstarters and that they existed only on paper.

Parivartan also used the RTI to expose large-scale diversion and siphoning off of cereals and food grains from the PDS. On the basis of the information accessed, it was found that 87% of wheat under PDS was sold in the open market and 94% of rice was siphoned off. The Delhi State Food and Supplies Department was flooded with RTI applications from citizens to inspect their food ration records. This led to a serious reform of the Food and Supplies Department whereby every two Saturdays in a month ration card holders could now inspect their records, lodge complaints (if any), or point to discrepancies found in government records or delivery systems.

In another case, a slum dweller applied for a ration card but was told to pay a bribe of Rs. 2000. On learning this, an RTI-empowered citizen applied for a ration card without offering bribes. He asked the PIO of the Food and Supply Office for the date up to which application for ration cards had been cleared and the daily progress report of his application. This was a clever ploy to get the officials to acknowledge in writing that they had given ration cards to others who had applied after him. In a record time, the applicant got his ration card application processed (using the RTI) even earlier than those who had offered "bribes" for availing of the same entitlement.

### 6.5.5 Getting Employees Their Dues

The Indian Railways Pensioners Association, Bhavnagar (a place in Gujarat State), had submitted numerous representations to the general manager of Western Railways of India to settle the outstanding dues of pensioners. One hundred and thirty-seven specific cases of nonpayment were filed in the pension *adalat* (court) held on December 15, 2006, but nothing happened. On March 16, 2007, a request under RTI was submitted to the CPIO of Western Railways for disclosing the reasons for not implementing the decisions of the apex court, and Western Railways accepted the liability for making payments and complied (Ministry of Railways, 2008).

### 6.5.6 Polluting Factory Closed

The RTI was effectively used to shut down a polluting factory in 2007 in the East Delhi locality of Vishwas Nagar. Kapil Jain, a resident, filed a complaint against a polluting company of the area in August 2003. In September 2003, he received a reply from Delhi Pollution Control Committee that the unit had been classified as "illegal" and ordered to be sealed.

### 6.5.7 Facilitator of Development Schemes

On November 18, 2006, five residents of a village in the Bahraich district of Uttar Pradesh sought information under the RTI Act as to why no roads or drains had been built under any government scheme in the village. They also wanted to know why no housing allotments had been made under the Indira Awas Yojna Scheme (IAYS). The administration responded immediately.

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The construction of the roads and drains began, and the checks for the construction of the houses under the IAYS were also distributed.*

## 6.6 Lessons from the RTI: Impacts

The RTI has certainly been used extensively (there are 70,000 listed cases on different Web sites), considering the fact that it is only 7 years since its inception.† It has begun to permeate almost every sphere of governance. Different strata of citizenry (individually or collectively) have used it for seeking redress of personal grievances or seeking access to entitlements or enforcing rights, thereby enabling the average citizen to make informed choices. Large numbers of poor have used it through NGOs and civil society groups to fight injustice; to seek access to entitlements, such as food, housing, wages, and employment; and to fight corruption in remote areas of the country.

Public administration is a huge monolith in India, and the act, by helping to breach the walls of India's power structures and its veils of secrecy, has given the citizen a new dignity and respect in the eyes of the bureaucracy. Civil liberties and human rights activists are using principles of the RTI to ensure transparency and accountability of the police and custodial institutions. People displaced by dams and special economic zones, communities affected by polluting industries, and forest dwellers evicted by new industries have all used the RTI in their battle for lost land, homes, or livelihoods.‡ As movements and groups make their questions more focused and the public body or agency is forced to part with information, it can be expected that public bureaucracies and governments in India at all levels will become more sensitized to people's issues. The fact that public servants are paid out of public funds places the issue of public accountability at the heart of public administration. When we assess the effect of RTI, we need to primarily look at its effect on public authorities, the information commissions, and ordinary citizens.

### *6.6.1 Public Authorities*

The RTI Act of 2005 entitles citizens to an RTI from public authorities. Public authorities are obligated to provide information through their PIOs. To enable people to know from which authorities to access information, an exhaustive list of public authorities must be prepared by central and state governments. Ministries and departments are mandated to identify public authorities falling under their jurisdiction, including public sector undertakings (PSUs) and NGOs substantially financed by the government. The Department of Personnel and Training (DOP&T) under the Union Ministry of Personnel, Public Grievances, and Pensions is the nodal ministry in the implementation of the act. Furthermore, the entry for each public authority should list the details of all public authorities subordinate to it, reaching down to the lowest levels in the institutional hierarchy. All of these details should be made available on the Web sites of the respective public authorities in a hierarchical form.

There are several CIC/SIC rulings on what constitutes "public authority." There has been a debate on expanding the definition of public authorities to include members of parliament in

* Sharma, K., Malhotra, K.C., and Gupta, R., eds. (2007). *Action Research Villages: A Right to Information Campaign*. Development Alternatives: New Delhi, India.

† Ibid.

‡ The slogan *Hum Janenge, Hum Jiyenge* truly captured the assertion that the right to know was directly linked to the right to life. The RTI had always been accepted as being inherent in the fundamental right to the freedom of expression guaranteed under Article 19(1) of the Indian constitution.

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so far as local area development funds at their disposal are concerned. It has also been suggested that the RTI Act should extend to private bodies performing public functions or dealing with public money and trusts. Although the act applies to all the three organs of the state, namely the executive, the legislative, and the judiciary, there have been cases in which the judiciary has taken a stand that it does not fall within the ambit of the RTI Act. In a recent case, *Subhash Chandra Agrawal v. Supreme Court of India*,* the appellant sought information on whether judges of the Supreme Court should make a declaration of their assets to the chief justice of India (CJI) in line with the resolution dated May 7, 2007, passed by the erstwhile judges of the Supreme Court. The CPIO of the Supreme Court contended that the RTI Act applies only to the executive government, and the Supreme Court of India, being a constitutional body, is outside the purview of the RTI Act. The full bench of the commission that heard the matter stated that the term "public authority" as defined under Section 2(h) of the RTI Act means any authority, body, or institution of self-government established or constituted by or under the Indian Constitution. Thus, the Supreme Court of India is an institution created by the constitution and is therefore a public authority within the meaning of Section 2(h) of the RTI Act. The commission further observed that the CJI is also designated as a "competent authority" under Section 2(e) of the RTI Act, and Section 28 of the act empowers competent authorities defined in Section 2(e), which *inter alia* include the CJI to frame rules to perform provisions of the RTI Act.

The commission held that this rule-making power has been explicitly conferred for the purpose of performing the provisions of the RTI Act. In another judgment, Justice S. Ravindra Bhatt favored evolving some uniform standards and modalities for declaration of assets by judges.† After this judgment, the judges of the Supreme Court and some high courts (Delhi, Kerala, Punjab, Haryana, and Maharashtra) passed resolutions that they would publicly declare their assets and place the information in the public domain. Proactive disclosure is the hallmark of this act, and, if complied with, it will improve record management of public authorities as well as facilitate a people-friendly politico-administrative regime.‡

The RTI Act of 2005 stipulated two important means to achieve the objectives enshrined in its preamble—adjudication in case of inappropriate response from public authorities to a request for information and/or denial of information and effective implementation of Section 4—the latter envisaging effective record management, including digitization and availability in electronic form, proactive disclosure of all information except those prohibited by exemption provisions of the act, and effective dissemination of information for the benefit of citizens. However, the CIC has observed, in the course of hearing various appeals/complaints, that although the RTI Act had been in place for 7 years, one of the key elements of the law—Section 4 of the RTI Act—was not being implemented in letter and spirit. Although there are ministries/departments and public authorities, which are relatively more transparent and open than others, most of them do not confirm to the matrix of disclosure set out in Section 4(1)(b) of the act as well as practices relating to record management and dissemination of information held by and/or under their control.

The full bench of the commission, vide its Order No. CIC/AT/D/10/000111 dated November 15, 2010, under Section 19(8) (a) of the RTI Act, has directed all public authorities to fulfill

* *Subhash Chandra Agrawal v. Supreme Court of India* (Appeal No. CIC/WB/A/2008/00424 decided on 06 January 6, 2009).

† Decided by Tiwari, A.N. and Ansari, M.M., Information Commissioners; Wajahat Habibullah, Chief Information Commissioner.

‡ Appeal No. CIC/WB/A/2008/00424 decided on January 6, 2009.

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their obligations stipulated in Section 4 of the act as per the timeline laid down for each activity. The commission further directed that

- The information in compliance with Section 4 shall be uploaded by every public authority on the portal setup for the purpose by the CIC.
- Every public authority shall designate one of their senior officers as "transparency officer" (with necessary supporting personnel as required). The transparency officers shall:
  - oversee implementation of provisions of Section 4 and apprise the higher echelons of the management about the progress.
  - act as an interface with the CIC regarding progress of the above.
  - help promote congenial conditions for positive and timely response to RTI requests by CPIOs, deemed CPIOs.
  - act as a contact point for the public in all RTI-related matters.

The status of submission of the annual reports by ministries/departments/public authorities, as mandated under Section 25(2) of the RTI Act, is also discouraging. There has been an increasing trend in the number of public authorities not submitting the reports during 2006–2007, 2007–2008, 2008–2009, 2009–2010, and 2010–2011. It is worth mentioning that during 2010–2011, 67.5% submitted their returns. In 2009–2010, approximately 77% of public authorities had submitted their reports, whereas approximately 86% of the public authorities submitted their reports during 2008–2009 (CIC Annual Report 2010–11). The failure on the part of public authorities to submit annual reports amounts to violation of their statutory responsibility in assisting the CIC in preparation of its annual report.

This is indicative of the fact that the public authorities have so far not been able to make any systemic arrangements in regard to timely submission of annual reports to the commission. The ministries/departments/public authorities have to introspect and create a system so that the response rate reaches 100% every year without any intervention of the central commission.

### *6.6.2 Information Commissions*

The CIC as well as information commissions in each state are independent appellate authorities. Despite some good rulings on the interpretation of the act (e.g., to allow "file noting" to be accessed and issuing directives to the central government on matters in which they have misinterpreted the law), the CICs and SICs are yet to realize and grow to their full potential. Unless there is an error of fact, review of the decisions of the central commission does not take place. The First Appellate Authority performs a quasi-judicial function and is required to issue a speaking order giving justification for the decision arrived at. They have to weigh the public interest in disclosure of information, and if it outweighs the harm to the protected party, then the information should be disclosed. The information commissions deal with appeals and complaints under the act. Each commission functions autonomously without being subject to directions of any other authority. The commission has power to impose penalties, recommend disciplinary action, and require the public authority to compensate the complainant for any loss or other detriments suffered. According to the CIC Annual Report, the number of disciplinary actions against officials has sky rocketed since 2009 (see Figure 6.1).

Given below (Tables 6.1 and 6.2) are some important decisions of the CIC that have helped the citizens to get the information they wanted from time to time. First, in matters of "file noting"

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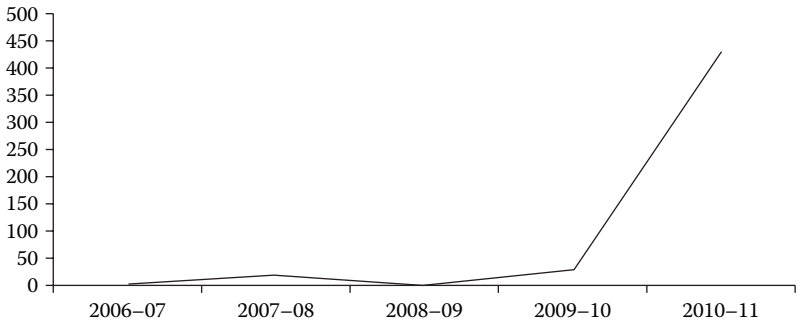


**Figure 6.1 Disciplinary action against officials. (From CIC Annual Report 2009–2010.)**

**Table 6.1 RTI Application Details**

| *Key Aspects* | *2007–2008* | *2008–2009* | *2009–2010* | *2010–2011* |
|---|---|---|---|---|
| Opening balance of RTI requests (as on 1st April of the reporting year) | 23,926 | 32,792 | 97,474 | 137,771 |
| Number of requests received during the year | 263,261 | 329,728 | 529,274 | 417,955 |
| Total number of requests at the end of the reporting year | 287,187 | 362,520 | 626,748 | 555,726 |
| Number of requests transferred to other Public Authorities | 29,404 | 34,036 | 98,663 | 50,444 |
| Number of requests for information rejected | 18,966 | 23,954 | 34,057 | 21,621 |
| Percentage of rejection vis-à-vis number of applications received during the reporting year | 7.20% | 7.26% | 6.43% | 5.2% |

*Source:* CIC Annual Report 2010–2011.

*Note:* Data are based on quarterly returns submitted by public authorities, including those who subsequently became defaulters at the end of the year because of nonsubmission of returns for all four quarters.

(remarks made by officials on files), the Department of Personnel and Training (DOPT) in 2006 made an attempt to amend the RTI Act of 2005 so that file notings need not be disclosed. However, the CIC in various cases has directed the government agencies to disclose file notings. Second, the CIC in another decision has said that the office of the CJI comes under the purview of the RTI Act.

Other rulings include

- Stock exchanges to be brought under the purview of the RTI Act
- Income tax returns of political parties made similarly accessible

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**Table 6.2 Receipt and Disposal of Appeals/Complaints by the Commission during 2006–2007, 2007–2008, 2008–2009, and 2009–2010**

| *Year* | *Receipt* | *Disposal* | *Disposal Percentage (disposal/receipt)*100* |
|---|---|---|---|
| 2006–2007 | 6893 | 4074 | 59.57 |
| 2007–2008 | 11,261 | 7722 | 68.57 |
| 2008–2009 | 15,426 | 13,322 | 86.36 |
| 2009–2010 | 22,800 | 19,482 | 85.44 |

*Source:* CIC Annual Report 2009–2010.

- Directing the prime minister's office to disclose the assets of the ministers
- All schools under the Delhi Government need to make available all records and documents pertaining to admission, attendance, budget allocation and expenditure, details of scholarship, and other registers in the school for inspection by citizens on the last working day of every month.

From successive annual reports of CICs, the following conclusions can be drawn:

- Although the absolute figure of appeals/complaints filed before the commission continued to increase, the rate of increase is slower than the relative increase in RTI applications received by public authorities over the period under consideration.
- The number of appeals/complaints filed before the commission is likely to stabilize after some time through effective and timely disposal; RTI applications received by public authorities may still continue to increase unless best practices relating to record management, proactive disclosure, and effective dissemination of information held and controlled by them are put in place.
- It is evident that the receipt and disposal of appeals and complaints have shown an increasing trend from 2006–2007 to 2010–2011. The percentage of disposal of appeal/complaints by the commission from 2008–2009 to 2009–2010 has gone down slightly, by less than 1%. Nevertheless, average annual disposal by individual CICs/ICs has gone up during the same period. In 2008–2009, the average annual disposal was approximately 1903, whereas the same was approximately 2,165 during 2009–2010 and in 2010–2011 was 2,675. However, the decreasing trend in the rejection of the RTI applications by the public authorities is indicative of their motivation to perform still better and in a more positive manner in the future. In 2010–2011, only 5.14% of the applications were rejected versus 6.43% in 2009–2010.
- In 2009–2010, the commission imposed penalties on various PIOs and deemed PIOs amounting to Rs. 26.80 lakhs u/s 20(1) of the RTI Act of 2005. The respondents filed writ petitions before the High Court of Delhi in five cases, where penalty amounts of Rs. 17,500, Rs. 50,000, Rs. 22,500, and Rs. 25,000 had been imposed. The High Court of Delhi stayed the penalty orders of the commission in three cases with respective penalty amounts of Rs. 50,000, Rs. 22,500, and Rs. 25,000; reduced the amount from Rs. 17,500 to Rs. 5,000 in one case; and set aside the order regarding the penalty amount

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of Rs. 25,000 in another case; Consequently, the penalty amount imposed by the commission during the reporting year 2009–2010 is effectively Rs. 2,642,500. The commission has received a compliance report, by way of recovery, in respect to the remaining cases for an amount of Rs. 1,771,725 (CIC Annual Report 2009–2010).

### *6.6.3 The Citizen: How Does a RTI Applicant Use the Information?*

The maximum efforts in propagating and defending the RTI Act have come from citizens and civil society groups. Campaigns such as the "Drive Against Bribe," which was a national-level campaign performed over 2 weeks in 28 states in India in collaboration with 7 media houses, made RTI a household name, with over 20,000 applications filed from different parts of India under the act. Another innovative campaign was "It's Question of My Answer Sheets," spearheaded by a group called JOSH. This group made a nationwide effort to mobilize students to file RTI applications to request copies of their evaluated examination answer sheets. Furthermore, citizens have gotten together to fight school fee rules, nonappointment of PIOs, noncompliance of proactive disclosure under Section 4, exemption of file notings, delay in appeal hearings, overall functioning of information commissions, and so on. Other than campaigns, the national media and the regional and vernacular press have been consistently reporting on the implementation of the RTI Act.*

The citizen is primarily supposed to use the information obtained from the RTI application for his personal need, otherwise a public interest litigation or private purpose litigation can be filed on the basis of the information. The information can be given to the media, sent to the Central Bureau of Investigation, or given to the opposition, who can take it up in parliament. Most RTI applications (filed by individuals or organizations) have been used for private and public purposes.

Although much remains to be done for improving the effectiveness of the act, particularly in rural areas, there have been numerous cases in which the citizens have gotten their dues simply by accessing information. By using the RTI Act, a citizen can get to know the services, rights, and benefits to which he is entitled.

On receipt of information, one can file a complaint and ask for an Action Taken Report on it. For example, using the RTI Act may not get applicants electricity or water meter connections, but it can help them identify the people responsible for taking action on their application, the progress made, the time frame in which they should have received the connection, and the reasons for delay in a particular case. It is generally seen that in many instances the use of the RTI itself has helped the citizens in solving the issues that have remained unattended for fairly long periods. Unserviceable roads, nonclearance of garbage, misuse of government funds, delay in clearing of cases, maintenance of street lights, public parks, and so on, have all been set right just by filing a RTI application. There are many success stories in which irregularities and cases of petty corruption have been exposed through RTI and in which people were empowered to access their entitlements (see relevant Web sites listed at the end of the article).

There is no doubt that RTI Act petitions that seek information about trivial issues have nuisance value. Many PIOs have complained about its irresponsible use. There must be some control over what can be asked under the RTI Act and some limit over the number of questions that can be asked. Citizens often ask questions beyond the purview of the act. There have been recent instances of estranged wives attempting to find out their husband's salaries using the RTI Act.

* *Times of India*, New Delhi, September 3, 2009, p. 9.

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Neighbors have tried to use the RTI Act to settle scores with each other. Frustrated government servants have used the RTI Act if they have been denied promotion. Overworked lower echelons of the bureaucracy have tried to find out what is the true definition of their work or the nature of their mandated duties. Although there is no limit to what can be asked in a question, very often questions are too vague or too vast in their scope to be answered in a focused manner. Sometimes, one question is accompanied by 40 more corollaries, making it very difficult for the public agency to answer them.

The rise in pending RTI Act applications kill off the very spirit of one of India's most progressive laws. Many applicants have complained that the replies were half-baked, circuitous, or given simply, so that the officer concerned would not be required to pay the penalty of Rs. 250 per day that the act imposes. The act should be amended so that just one application is enough to get all of the information. One of the greatest shortcomings of the act is that no protection is given to whistle-blowers.

Implementation status reports of the CICs and SICs placed before parliament every year reveal that all public authorities are still not included in the database of the CICs. Several strands of the working of the act in different states of India have reported some common deficiencies: Use of the act in rural areas is still low, and the *suo motu* disclosures by public authorities at village and district levels are abysmal. SICs are not provided adequate infrastructure, and they are reluctant to penalize PIOs for denial of information. Most of the PIOs at the state and district level are not cooperative, and they sometimes intimidate applicants into withdrawing their applications.

For example, a recent study by the RTI Assessment & Analysis Group (RaaG) and the National Campaign for People's Right to Information (NCPRI) (2008) indicates that 40,000 requests for information were filed by rural inhabitants during the first 2.5 years of the act, compared with approximately 1.6 million urban requests. Furthermore, 30% of rural applicants were from among the poor, holding below-poverty-line (BPL) or *Antyodaya* ration cards, whereas 15% of urban applicants were BPL. Again, these figures, although they could still be improved, are impressive when compared to analogous results from other countries (RaaG and NCPRI, 2008).

The record management system was cited as the major reason for delay in processing of RTI Act applications, and more than 50% of PIOs at the central level have not received training. In fact, many matters need not have been brought up for adjudication at all had well-informed PIOs and information-seekers resolved the issue at the outset. In addition, there is still no uniformity/clarity in the interpretation of the RTI Act by different information commissions. Most state laws do not have proactive disclosure provisions, penalty clauses are weak, and the exemption list is huge. It has often been suggested that state governments should repeal their laws and adopt the central law. Also, a uniform law on the access to information for the entire country will help in making better use of the central RTI Act.

## 6.7 RTI and "Good Governance" in India

What distinguishes the RTI Act from other similar laws in the rest of the world is that it was the end product of a decade-long movement beginning from the 1990s initiated at the grassroots level by groups of poor peasants and workers progressively joined by a strong activist section of the citizenry, voicing people's grievances and demanding strong legislation for the people's RTI. There is no example from any other part of the world of a similar struggle emanating from the poor and the marginalized to access government records and information. On the basis of people's

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struggles and needs, the Indian parliament passed one of the most radical RTI laws in the world. If we look at the way the law has been used in the last 5 years, we can safely surmise that it holds the key to fundamental changes in governance and in constructing a new relationship between the state and the citizen. It can be used as a potentially empowering tool for the poor, the weak, and the marginalized to demand justice and development in cases of denial or derailment of either or both. Although citizens of democratic India struggle for development and better standards of living, the RTI can certainly be imaginatively and perhaps very effectively used for laying down the parameters of good governance.

The grassroots campaign for the people's RTI emerged in the early 1990s from the struggle of the rural poor for the payment of the statutory minimum wage under state-sponsored public works programs. When they demanded the right to see the copies/records, they were told that government records were "secret" and therefore not open to public scrutiny. This triggered a long struggle, including agitations and public hearings in 1996 and 1997 led by the MKSS in Rajasthan before documents related to development expenditure were unofficially accessed and collated. The "people's justice" forum or the *jan sunwais*, which gave an opportunity to all concerned government officials to explain their conduct, became the precursors of what is now officially called "social audit." Authenticated records became a tool to reveal corruption in public policy implementation and development expenditure and a means to redress people's grievances. Now that the link between access to government records and access to entitlements has been subsequently demonstrated in many cases, the average citizen, especially the poor, has begun to perceive that gathering "information" about governmental working is an issue intrinsically linked to their human right to life and livelihood.

By creative judicial interpretation, the RTI has now been brought under the right to life (Article 21 of the Indian Constitution), one of the fundamental rights guaranteed to Indian citizens. This interpretation infused new life into the people's movement and brought it within the reach of national legislation. For the first time in Indian history, RTI drafts (whether in the center or in the states) were publicly debated and subject to a series of public scrutiny and consultations, with repeated demands for improvements and amendments in sections or subsections of the draft. Other social development and citizen demands led legislation that followed RTI Acts, such as National Rural Employment Guarantee Act (NREGA) and the Forests Rights Act,* have been driven not necessarily by legal luminaries but by people's drafts, as well as public consultations. As for the RTI in the state of Rajasthan, where it all began, it took over 3 years, from 1994 to 1997, before citizens got access to local government records and almost 6 years before it got its RTI Act in 2000. Therefore, the RTI Act came as a legal entitlement to all Indian citizens after a decade-long struggle. There were nine states that passed the RTI laws before the national act came into effect. The process of demanding a law, drafting model legislation, and thereby intensely lobbying for its legislation involved civil society (citizens and activists) engagement and mobilization never before seen in India. In the people's hearings started by the MKSS, the disclosure of information was verified, corroborated, rebutted, or analyzed, and accountability was fixed. The "voiceless" poor came to the democratic platforms and voiced their grievances openly and publicly.

Even the idea of social audit was first institutionalized through the Panchayat Raj Act (local government act) of Rajasthan. Implicit in this legal provision is the principle of citizen

* The National Rural Employment Guarantee Act of 2005 is the largest employment guarantee program in India since independence. It guarantees 100 days of employment for all adult citizens living in rural areas. The Forest Rights Act of 2006 is also a radical act guaranteeing livelihood rights to the tribals living in forest areas over forest land and forest produce.

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right to audit all the activities of their (local) government. In addition to other uses, social audit institutionalizes participatory democracy by providing a democratic platform at the grassroots level where the poor can participate in the processes of governance.

Therefore, the RTI Act is beginning to erode the culture of secrecy that had left the ordinary citizen clueless as to how he/she can enforce accountability in public administration. The 30-day time limit for providing information, coupled with the citizen's right to inspect files and documents, and the requirements under Section 4 of the RTI Act that offices can share 17 categories of information has shaken the steel frame of the Indian bureaucracy as no other act has done before.

One very important electoral reform that was a giant step toward increasing accountability has come from a Supreme Court decision on a public interest litigation filed by the Association for Democratic Reform (ADR) asking for voters' right to know the past criminal record and monetary assets of candidates who have entered the electoral fray. This was done with a view to keep the public informed about the background of the candidates they would be voting for in elections. The RTI Act has offered an opportunity to question elected candidates anytime for what they perform or do not perform in office, thereby making them accountable even during their tenure. The RTI Act has enabled citizens to question decisions and demand answers beyond what the government chooses to disclose voluntarily to the public. By allowing citizens individually and collectively a power to use information to correlate promises with performance, it moves political debates beyond ideologies to the nuts and bolts of governance. It forces government to assume responsibility for all its actions and lapses.

The RTI Act also enforces equal standards of transparency and accountability on the users of information. In various cases when the people's struggles in Rajasthan were intensified, the politico-administrative regime had turned around to ask individual citizens, civil society groups, and NGOs to disclose their own accounts, thus starting a trend of encouraging transparency among citizens as well. In some of these public hearings, NGOs had begun to place details of their accounts before the people of the area where they worked, which got the community to get more involved in the monitoring of all groups (public or voluntary) in their area. In a developing country such as India with abysmal levels of poverty and illiteracy, the citizen at the grassroots level cannot effectively participate in any policy-making or assessment process without information about government policies and functioning or without the right to access government records and data. The process of accessing relevant information, sharing it with others, and debating and discussing issues in the public domain strengthens the processes of democracy and good governance. The entire grassroots struggle for the RTI Act in India has been a huge learning process for the ordinary citizen as well as civil society groups.

## 6.8 Conclusion

The RTI campaign grew out of the experiences of the MKSS, which had for 2 decades fought corruption in village development works in Rajasthan. From the villages, MKSS took its campaign to the district and state level, staging determined demonstrations that attracted the middle class and intellectuals before leading the national RTI campaign. The national network was more eclectic; it included not only mass organizations such as the MKSS but also individual anticorruption activists, such as Aruna Roy, Anna Hazare, Arvind Kejariwal, and Shailesh Gandhi. Notably, the RTI campaign aligned itself with the National Alliance of People's movements (organizations of the rural and urban poor) fighting against dispossession. This organizational base gave the RTI campaign a sound political credibility. The RTI Act was truly a people's act, with not only

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inputs from the grassroots level but also drafted by members of civil society before it was placed in parliament.

The foundations of our democracy cannot be laid on a deficit of trust. Therefore, the politico-administrative regime in India must encourage itself in building up this trust to do our democracy proud. It is indeed heartening to note that the RTI has now become a precursor to other model legislation such as the Delhi (Right of Citizen to Time Bound Delivery of Services) Act of 2011* or the proposed Lokpal bill.†

Information flow is an important tool that offers verified data so as to protect individual, community, and national interests. Therefore, it is very important that all human rights issues require complete transparency. That is why the framers of the RTI law were insistent that there be a "human rights and corruption" override to the blanket exemptions being granted from the provisions of the act to intelligence and security agencies.

There are many prerequisites for the effective functioning of a democracy. Education and an economic leveling of the population are essential. Both being absent together with an administrative system seeped in the age-old culture of secrecy, the RTI is one of the most important tools of citizens to secure entitlements, safeguard constitutional rights, and make a much needed dent in the administrative culture of secrecy. "Knowledge" was the key to the power of bureaucrats so far. It is now the turn of citizens armed with the RTI to use that power. The revamping of our administrative system in this direction would require multipronged measures, which would *inter alia* include the following:

- The government and the commissions must ensure effective implementation of provisions of Section 4 regarding record management practices and *suo moto* proactive disclosures to ensure that citizens are not required to file requests for basic and routine information.
- Citizen's charters with firm timelines for efficient delivery of goods and services and mechanism for grievance redressal and routinization of processes
- All public–private partnership projects should be brought under the ambit of the RTI Act at the signing stage itself by incorporating disclosure norms and scope.
- The political leadership, media, NGOs, and civil society organizations must work together using the RTI Act to raise vital governance issues and carry them to their logical conclusion.
- Evolving a comprehensive training policy with a view to developing the required mindsets among public functionaries in the context of "open government"
- Institution of an effective system of reward for competent service rendered by public functionaries with regard to the dissemination of information and also punishment for those who would be found withholding information in an arbitrary manner.

* Under this act, residents of Delhi can now get compensation for delays in 28 services rendered by 32 departments and agencies. These agencies have entered into service-level agreements specifying the time frame for delivery of each service provided by them. Officials who fail to process applications within the stipulated time will have to pay a penalty of Rs. 10/- per day up to Rs. 200 per application.

† The Anna Hazare movement beginning in Delhi from August 16, 2011, and his hunger strike for 13 days was a unique movement against corruption in public administration, a movement meant to push the Lokpal bill. The idea of Lokpal emanated from the office of ombudsman prevalent in Scandinavian countries. The first attempt to form Lokpal in India failed after the bill passed in the fourth Lok Sabha (Lower House) in 1969 could not get past Rajya Sabha (Upper House). Lokpal bills were introduced in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005, and 2008. All failed to go through before the veteran Gandhian activist Anna Hazare started a fast unto death until his demands for a Lokpal bill are passed in parliament. The content of the bill is still being debated, but the government was forced to make a promise to enact the bill after a nationwide movement was launched successfully by Mr. Hazare. The proposed Lokpal Act is to ensure action against errant and corrupt public officials of the government, including the legislature, executive, and judiciary.

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- Finally, implementation of the RTI would require an efficient information management system with the help of sophisticated information technology.

Information management is a multifaceted process involving the collection, processing, storage, transmission, and use of information. For a developing country such as India, the cost constraints would be much greater because the government will have to bear additional expenses to provide such information to all sections of its population. Knowledge of government schemes, policies, and programs, especially highlighting the benefits for target groups, needs to be given free of cost to all. The role of the act itself and intermediaries such as NGOs and civil society groups will be crucial in ushering in a new era of open, transparent, and accountable governance.

This is an absolute imperative for all countries, and even more so for a country such as India, which has the unique distinction of having been the world's largest functional democracy for more than six decades. It is because of the success of our vibrant democracy (albeit with aberrations) that many civil society organizations have been playing a catalytic role in various fields of public life. The more these organizations come forward to enlighten and mobilize the people at the grassroots level, the more would be the realization of the immense potential of the RTI. The RTI is a demand for a share of the power to govern and to question the institutions of governance and an effort to put the brakes on the arbitrary exercise of state power. It is a tool of empowerment for an average citizen and can be catalytic in bringing about change in the culture of governance.

The CIC has come out with a landmark resolution to combat unending assaults on RTI activists.* According to the resolution, if the commission receives a complaint regarding an assault on or murder of an information seeker, it will examine pending RTI applications of the victim and order the departments to publish the requested information *suo motu* on their Web sites. If the information is made public on the Web every time an activist is attacked, it will defeat the very purpose of attacking an activist. RTI activists have welcomed the CIC move to address the need to take responsibility for the lives of information seekers and protect them from assaults. This resolution is a serious move to protect the rights of whistle-blowers.

Some of the Second Administrative Reforms Commission recommendations related to effective implementation of RTI in its first report, *Right to Information—Master Key to Good Governance*, are the following:

- The Official Secrets Act of 1923 should be repealed and substituted by a chapter in the National Security Act containing provisions relating to official secrets.
- Ministers on assumption of office should be given an oath of transparency along with the oath of office.

In a long interview given to the author,† Shailesh Gandhi, one of the central information commissioners, listed three major threats to the RTI in India:

- The government's efforts at diluting the act by increasing the number of "exemptions" and making the legally binding decisions "recommended" instead of mandatory (as they exist now).

* The resolution was mooted by information commissioner Shailesh Gandhi at a meeting of the CIC in September 2011.

† Interview recorded by the author on September 6, 2011, in Mr. Shailesh Gandhi's office at the CIC in New Delhi.

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- The successful efforts of many public authorities to stall penalties imposed against them by getting "stay" orders from courts. The courts today have insulated themselves from any public scrutiny, and their disregard for the RTI Act and their nontransparent functioning is a great challenge to the RTI.
- Justice delayed can be justice denied. Information commissions have to be much more efficient and effective than the courts. Only approximately 5% of RTI applications come in appeal to the CIC; therefore, it should have the capacity for quick disposal of these cases. (The total cases disposed by the CIC as of October 2011 were 76,366; the total pending cases were 19,000.)

The RTI heralds a new age in state–citizen relations in India. It is perhaps the first right that empowers an ordinary citizen to question and seek information from the state bureaucracy that exercises huge discretionary power over their lives. Earlier, the citizen was largely helpless against the administrative state, which was consistently being shielded by the Official Secrets Act or by the cloak of ministerial responsibility. Now, even the poorest citizen of the Indian state has been publicly empowered by the right to hold the state accountable for its acts of omission, incompetence, abuse, or delay in official work. The act would have lacked teeth without the penalty provisions that have given it the seriousness it deserves.

## Suggested Readings

Bell, R., and Watchirs, H. (1988). Freedom of information: The commonwealth experience. *Australian Journal of Public Administration*, 37(4): 296–311.

Banisar, D. (2006). *Freedom of Information around the World: A Global Survey of Access to Government Information Laws.* London: Privacy International.

Centre for Good Governance, Hyderabad. (2006a). *A Manual for Public Authorities, Information Officers & Appellate Authorities*. Hyderabad, India: Centre for Good Governance.

Centre for Good Governance, Hyderabad. (2006b). *The RTI Act: A Guide for Civil Society Organizations*. Hyderabad, India: Centre for Good Governance.

Centre for Good Governance, Hyderabad. (2006c). *Information Commission: Roles & Responsibilities*. Hyderabad, India: Centre for Good Governance.

Centre for Good Governance, Hyderabad. (2008). *A Citizen's Guide on Right to Information Act*. Hyderabad, India: Centre for Good Governance.

CIC (Central Information Commission). Annual reports and selected judgments. Supreme Court of India—Various judgments. Available at http://cic.gov.in.

Feinberg, L.E. (1986). Managing the Freedom of Information Act and federal information policy. *Public Administration Review*, 46(6): 615–621.

Iyer, V.K. (1985). Freedom of information: Fundamental to fundamental rights. *Popular Jurist,* 14.

Kuldeep, M. (2003). Good governance and pursuit of transparency in administration: Indian efforts. In P. Sahni and U. Medury (Eds.), *Governance for Development Issues and Strategies*. Hyderabad, India: Prentice-Hall India.

Kulkarni, A. (2008). Governance and the right to information in Maharashtra. *Economic & Political Weekly,* 43(5): 15–17.

Maheshwari, S. (1980). Secrecy in government in India. In T.N. Chaturvedi (Ed.), *Secrecy in Government*. New Delhi, India: Indian Institute of Public Administration.

Mander, H. (2003). Corruption and the right to information. In R. Tandon and R. Mohanty (Eds.), *Civil Society and Governance: Issues and Problems*. New Delhi, India: Sage.

Mander, H., and Joshi, A. (1998). *The Movement for Right to Information in India: People's Power for the Control of Corruption*. New Delhi, India: Commonwealth Human Rights Initiative.

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Mendel, T. (2008). *Freedom of Information: A Comparative Legal Survey* (2nd ed.). Paris, France: U.N. Educational, Scientific, and Cultural Organization.
Mentschel, S. (2005). *Right to Information: An Appropriate Tool against Corruption*. New Delhi, India: Mosaic Books.
Ministry of Railways. (2008). RTI Act, the good Samaritan. Available at http://pib.nic.in/newsite/erelease.aspx?relid=39550.
Naib, S. (2011). *The Right to Information Act 2005*: *A Hand Book*. New Delhi, India: Oxford University Press.
Narayana, P.S., and Reddy, G.B. (2009). *Right to Information and Law* (4th ed.). Hyderabad, India: Gogia Law Agency.
Pande, S., and Singh, S. (2007). *Right to Information Act 2005: A Primer*. New Delhi, India: National Campaign for People's Right to Information.
Rowat, D.C. (1980). Laws on access to official documents. In T.N. Chaturvedi (ed.), *Secrecy in Government*. New Delhi, India: IIPA.
Roy, A., Dey, N., and Singh, S. (2001). *Demanding Accountability*. *Seminar*. New Delhi, India.
Roy, A., Nikhil, D., and Pande, S. (2008). *The Right to Information Act 2005: A Social Development Perspective*. *India Social Development Report 2008*. New Delhi, India: Council for Social Development.
Roy, J.T.G. (1990). Open government and administrative culture in India. *Indian Journal of Public Administration*, 36(3): 493.
RTI Assessment & Analysis Group (RaaG) and National Campaign for People's Right to Information (NCPRI). (2008). Safeguarding the right to information. Interim findings of the People's RTI Assessment 2008. Available at http://rti-assessment.org/interim_report.pdf.
Sathe, S.P. (2006). *Right to Information*. New Delhi, India: LexisNexis, Butterworths.
Saxena, P. (2009). Public authority and the right to information. *Economic & Political Weekly*, 44(16): 13–16.
Second Administrative Reforms Commission, First Report. (2006). *Right to Information: Master Key to Good Governance*. New Delhi, India: Government of India.
Shankari, D. (2000). *Notes on Freedom of Information Legislation in Different Countries* (Mimeographed). New Delhi, India: Commonwealth Human Rights Initiative.
Sharma, K., Malhotra, K.C., and Gupta, R. (eds.). (2007). *Action Research Villages: A Right to Information Campaign*. New Delhi, India: Development Alternatives.
Wadham, J., and Griffiths, J. (2005). *Blackstone's Guide to the Freedom of Information Act 2000*. Oxford, UK: Oxford University Press.

## Suggested Web Sites

www.righttoinformation.gov.in
www.rti.gov.in
www.cic.gov.in
www.freedominfo.org
www.privacyinternational.org
www.humanrightsinitiative.org

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# *Chapter 7*

# Administrative Reforms in India

Mahendra Prasad Singh

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## 7.1 Introduction

Independent India inherited three basic constituents of the modern state in 1947—a rudimentary framework of a minimally representative structure of government, a predominantly bureaucratic state apparatus, and a hugely popular party of mass appeal, namely the Indian National Congress, born during the movement for political freedom. These three inheritances have significantly contributed to the origin and consolidation of democracy in India, a rare achievement in the Afro-Asian world, defying the long-held theories of preconditions, namely higher levels of economic and educational development, for the success of democracy. India has been deficient in both the aforementioned preconditions yet has managed to be a reasonably successful democracy.

Administrative reforms have been a major concern of the Government of India, if one goes by the sheer number of reports of the central committees or commissions on administrative reforms set up since 1945–1946, when the Richard Tottenham Report on the Reorganization of the Central Government was prepared and submitted. The list of such reports extends considerably, if one includes commissions with mandates larger than administrative reforms per se, for example, commissions on center–state relations and on review of the working of the constitution that do not exclude



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administrative reforms from their scope* (Maheshwari 2002; Singh and Singh 2011). This chapter describes and critically reviews these reforms and the Indian discourse about them and puts this within the broader context of the various phases of the evolutionary development of the Indian political system in the last 65 years since Independence in 1947. This chapter has five parts. First, this chapter discusses the foundational challenge in adapting the bureaucratic apparatus of the colonial state to the new parliamentary-federal republic established under the 1950 Constitution of India. In the three successive parts thereafter, the administrative reformist debates of the Nehru and Indira Gandhi eras and those of the Rajiv Gandhi years are analyzed. Subsequently, a critical appraisal is provided of the administrative reform deliberations since the early 1990s, when India witnessed parameter-altering changes, almost paradigmatic shifts, to greater federalization, business liberalism, and globalization, and adjustments in foreign and defense policies on account of the post–Cold War multipolar world. Finally, I sum up our review of administrative reforms in India in a concluding section.

## 7.2 The Foundational Reforms

The historical foundations of the bureaucratic arms of the modern state are expectedly quite old. Agrarian bureaucracy was an important component of governance in Indian history. Going by the prevailing historiography of government and state in India, the ancient Mauryan state is supposed to be a centralized bureaucratic monarchy; the medieval Mughal state, a feudal monarchy; and the modern British colonial state, a colonial bureaucratic monarchy that pioneered in introducing a merit-based centralized bureaucratic apparatus. The highest echelons of administrators in these three subcontinental states were called the *mahamatya/mahamatta* system in the Mauryan state, the *mansabdari* system in the Mughal state, and initially the covenanted civil servants and finally, since 1892, the Indian Civil Service (ICS) under the British Raj (Bandyopadhyay 2009; Streusand 1989; Thapar 1997). In all of these state systems, bureaucratic structures were supplemented by nonbureaucratic elements such as feudal and segmentary social structures–assigned administrative functions. This was especially so in the hinterlands or peripheral areas and at the local levels. Such nonbureaucratic modes of domination in the backwoods or backwaters have led to animated debates among historians about the nature and extent of bureaucratic, feudal, or segmentary character of states in Indian history (Kulke 1995; Singh 2011). Suffice it to say here that one of the important legacies of the British Raj to independent India was an institutionalized but overdeveloped bureaucratic establishment.

The civilian bureaucracy in British India during the phase of the East India Company (that doubled as a trading company) gradually assuming functions of a government since the Battle of Plassey (1757) was a patronage and venal bureaucracy. Under the India Act of 1793 and the Charter Act of 1793 passed by the British Parliament for India, its officers were nominated by the members of the court of directors of the company signing a declaration that the favor was done without receiving any payment. According to Bernard Cohn's estimate, between 1840 and 1860, "fifty to sixty extended families contributed the vast majority of civil servants who governed India"

* S.R. Maheshwari, *Indian Administration,* 6th ed. New Delhi: Orient Blackswan, 2001, pp. 492–93, enumerates 26 such reports, while Hoshiar Singh and Pankaj Singh, *Indian Administration*, New Delhi: Pearson, 2011, pp. 387–88, lists as many as 31 such documents, beginning with the Report on Reorganization of Central Government (Chair Richard Tottenham), 1946, and the last being the Reports of the Second Administrative Reforms Commission (Chair Veerappa Moily), 2005. The former advocated a division between the secretariat and executive directorate and agencies that is still maintained. See R.B. Jain, "New Directions of Administrative Reforms in India" in Vinod Mehta, ed., *Reforming Administration in India*, New Delhi: Har-Anand Publications for ICSSR, 2000, p. 205. The latter is discussed in detail below.

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(Bandyopadhyay, 2009, p. 100). In course of the expansion of the empire, the Fort William College in Calcutta was established in 1800 where the officers of the company in all the three presidencies of Bengal, Bombay, and Madras were to be trained for 3 years for serving in India. But in 1802, this college was turned into a language school, and the East India College was established first at Hertford in 1805 and subsequently shifted to Haileybury in 1809. Two-year training and a test at the end were mandatory for appointment to the service of the company. Under the Charter Act of 1833, a limited competitive examination was introduced among the candidates nominated by the court of directors.

Following the 1857 Indian Rebellion and the takeover of the Government of India from the company to the British Crown-in-Parliament in 1858, a Civil Service Commission in the United Kingdom began the recruitment of covenanted servants through an annual competitive test held in England. Only subordinate uncovenanted civil service positions were open to Indians. In 1853, Indians were allowed to compete for covenanted civil service, but a great barrier practically kept them out, as the examinations were held only in England. Under the pressure of the newly English-educated Indian middle class, a statutory civil service was introduced in 1870 in which Indians could be nominated to a few positions hitherto reserved only for Europeans. Since 1813, the process of Indianization of services had already started.

In 1892, in a major civil service reform, the covenanted civil service was renamed the ICS, the uncovenanted civil service was made the Provincial Civil Service, and the statutory civil service was abolished. But, the practical difficulty for Indians entering into the ICS remained, as the open examination was still to be held in London. In 1922, only about 15% of the ICS members were Indians. However, after the provision of recruitment examination to the ICS to be held in India as well under the Government of India Act 1919 (the first such test was held in Allahabad in 1922), the Indian officers in the ICS exceeded Europeans by 1941 (Bandyopadhyay, 2009, p. 113).

After World War I, under the Government of India Act 1919, significant civil service reforms, including Indianization of services, ensued as the principle of limited responsible government came to be introduced at the provincial level, though not at the center. Under this scheme of diarchy (a mixed bureaucracy plus a representative government), a few subjects were transferred to the elected Indian ministers, while more important and sensitive subjects were retained under the direct bureaucratic control of the governor. All Indian services such as the ICS and the Indian Police (IP) continued to control the top echelons of the provincial administration as well. In addition to the ICS and the IP, there were the Indian Forest Service, Indian Agricultural Service, Indian Service of Engineers, Indian Veterinary Service, Indian Forest Engineering Service, and Indian Medical Service (Civil). Besides, there were the Central Services under the governor general of India and the provincial services under the governors of the provinces. The initial appointment and terms and conditions of service of the All-India Services were settled by the Secretary of State for India, a member of the British cabinet (Rao, Menon, Kashyap, and Iyengar 1968, pp. 708–709).

The Government of India Act 1935, which intended to federalize the system with provincial autonomy and to extend diarchy to the central government, provided for the appointment to the All-India Services by the governor general and to the provincial civil services by the respective governors. The power to regulate conditions of service of the officers of these services was also similarly divided between the governor general and the governor. Appropriate legislations could also be made by the central and provincial legislatures but within the framework elaborately outlined in the report of the joint select committee of the British Parliament of 1934 (Rao et al. 1968, pp. 709–710).

Independent India faced the challenge of deciding what to do with the legacy of the British administrative inheritance. The nationalist leadership was expectedly ambivalent toward it. The nationalist movement had seen the political freedom fighters ranged against the colonial executive and administration. The antipathy was mutual and deep. The constituent assembly debates

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reflected this tension well.* However, Sardar Vallabhbhai Patel strongly argued for the retention, adaptation, and expansion of the services bequeathed by the retreating British colonial state in India in the new Indian nation-state born in crisis and partition:

> I wish to place on record in this House that if, during the last two or three years, most of the members of the services had not behaved patriotically and with loyalty, the union would have collapsed. Ask Dr. John Mathai, he is working for the last fortnight with them on the economic question. You may ask his opinion. You will find what he says about the services. You ask the Premiers of the provinces. Is there any Premier in any province who is prepared to work without the services? He will immediately resign. He cannot manage. We had a small nucleus of a broken service. With that bit of service we have carried on a very difficult task. And if a responsible man speaks in this tone about these services, he has to decide whether he has a substitute to propose and let him take the responsibility?†

The final text of the constitution that emerged from the constituent assembly authorized the appropriate legislatures to make laws, subject to the constitution, to regulate the recruitment and conditions of service of the central and state civil services. It created two All-India Services, namely the Indian Administrative Service (IAS) and the Indian Police Service (IPS), and gave the Rajya Sabha, the federal second chamber, the power to authorize by at least a two-thirds majority the creation of any new All-India Service by parliament. All-India Services are unique in being constitutionally entrenched "federal" services recruited by the Union Public Service Commission, trained in central academies, and then assigned to state cadres. They serve on the highest echelons of state administration as well as in the union administration on periodic deputation with the consent of the state government concerned. They work under the disciplinary jurisdiction of whichever order of government they may be posted at the time. However, the ultimate disciplinary measure of their dismissal is subject to the approval of the president of the Union of India. The All-India Services are, of course, besides the central and state civil services, under the union and state governments, respectively and exclusively.

## 7.3 Democratic Developmental Reforms

### *7.3.1 Reforms from the 1950s to the Early 1960s*

The principal challenge of administrative reforms faced by independent India was to reorient the bureaucratic apparatus to the tasks of adapting it to a parliamentary-federal constitution and undertaking the responsibilities of promoting electoral democracy and economic development with justice and equity. The strategy of economic development was premised on an import-substituting, nationally self-reliant industrialization through centralized but democratic planning in the context of a mixed economy in which the public sector or the state would play the leading role. The details of the setting up of legislative committees and public service commissioners at the union and state levels as also new constitutional and legislative frameworks of relations among

* Sample the observations made by P.S. Deshmukh, M. Ananthasayanam Ayyangar, et al. *Constituent Assembly Debates*, *Official Report*, Vol. X–XII, Book No. 5, New Delhi: Lok Sabha Secretariat, 2003, 4th reprint, pp. 40–44.

† Ibid., p. 50. Patel was the chairman of the provincial Constitution Committee of the Constituent Assembly and the deputy prime minister and home minister of India at the time.

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the union, state, and local governments need not detain us here. Our survey of the earliest phase of administrative reforms would also be rather rapid in the interest of greater focus on the subsequent phases and those immediately preceding the present. Notable contributions to the thought on administrative reforms were made by the commissioned reports by a committee appointed by the planning commission and chaired by A.D. Gorwala, a retired ICS officer, and Paul H. Appleby, an American expert of public administration. Gorwala submitted two reports: *Report on Public Administration* (1951) and *Report on the Efficient Conduct of State Enterprise* (1951). So did Appleby: *Public Administration in India—Report of a Survey* (1953) and *Re-Examination of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises* (1956). The Gorwala committee reports formalized the ideas and institutions about Prime Minister Jawaharlal Nehru's policy of planned economic development in the context of a "mixed" economy with a dominant state sector allowing some space to private enterprise as well. The Appleby reports dealt with general public administration.

The main recommendations of these reports were the establishment of a semi-governmental Indian Institute of Public Administration in New Delhi, the setting up of Organization and Method (O and M) divisions at various levels of government, and the streamlining of recruitment and training of administrators and their relationship with the parliament/state legislatures planning commission, and the comptroller and auditor general of India (Jain 2001). These reforms were immediately implemented. In March 1964, the Government of India also set up its own internal think tank in the Department of Administrative Reforms in the Home Ministry. Independent India adopted a parliamentary-federal form of government superimposed over the administrative structure largely inherited and adapted from the British colonial state in India. A war service entrant into the IAS recruited in March 1947 aptly draws attention to "contradictions" inherent in this situation: "The Government of India Acts of 1919 and 1935 did not provide for sovereign legislatures and the ICS men sat on the Treasury benches and defended and justified the plans and schemes that they had drafted and implemented, in reply to the arguments of the elected members. Provincial governors, who were mostly members of the ICS, had powers of certification in legislative matters" (Misra 2009).

The Planning Commission was set up in March 1950 by the Government of India with the prime minister as its chair. The National Development Council consisting of the prime minister as the chair and comprising the executive heads of all state and union territory governments came into being in August 1952 "to strengthen and mobilize the effort and resources of the nation in support of the five-year plans, to promote common economic policies in all vital spheres and to ensure the balanced and rapid development of all parts of the country" (Saxena 2006, p. 252). The Bureau of Public Enterprises was established in the Ministry of Finance, which became the Department of Public Enterprises in 1985.

This early phase of political and economic development in independent India is also notable for establishing the basic framework and tradition of free and fair elections conducted by a constitutionally entrenched autonomous Election Commission of India,* a progressive set of labor laws, reservations for scheduled castes and tribes and other backward classes, poverty alleviation programs and a welfare state in promise envisaged in the Directive Principles of State Policy of the constitution, and statutory institutions of local self-governments in rural and urban

* The experience of holding limited franchise elections in British India under the Government of India Acts of 1909, 1919, and 1935 in a religiously and politically surcharged atmosphere had convinced the makers of the Indian constitution to devise an autonomous and powerful election commission entrenched in the constitution itself rather than under an act of parliament as in the British Commonwealth parliamentary federations of Canada and Australia.

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areas. These features mark India as a democratic developmental state as distinguished from the developmental states sans the concomitant democratic component in East Asia.*

### *7.3.2 Reformist Discourse in the Mid-1960s to the 1980s*

The end of the Nehru era in 1964 occasioned most comprehensive reviews of Indian government and administration set up by the constitution of India (1950) and the government of Prime Minister Jawaharlal Nehru (1946–1964). The two documents that dominated the reformist discourse during this phase are the reports of Administrative Reforms Commission-I (ARC-I) and the Commission on Center–State Relations-I. What accounts for the appointment of these two commissions in the mid-1960s and the early 1980s? Administrative decay evident by the early post-Nehru period (Nehru died in harness in May 1964) prompted the first major review of the administrative apparatus by the ARC-I. The tension areas in center–state relations, exacerbated by the unabated political centralization throughout the 1970s under Prime Minister Indira Gandhi, caused the first comprehensive review of the federal relations between the union and the state governments by a constitutional commission chaired by a Supreme Court judge.

Prime Minister Lal Bahadur Shastri appointed the ARC-1 in January 1966 with five members and Morarji Desai as its chair; all except a senior civil servant were sitting members of parliament. Desai left the commission in March 1967 on joining the government of Prime Minister India Gandhi (Shastri's successor) as the deputy prime minister and finance minister. A member of the commission, K. Hanumanthaiya, was appointed the new chairman. The 20-volume ARC-I report, with very wide terms of reference, appears to be as elaborate in its approach as the constitution of India itself filling in the details of the process of government and administration left uncodified by the largest constitution in the world.† Here, I will focus on the structure and process of governments at the center, state, and district levels, leaving aside sectoral and specialized branches, with the exception of the machinery for planning. Tables 7.1 and 7.2 give an idea of the major administrative levels by territorial divisions of the country and the politico-administrative levels in the local governments, respectively.

The ARC-I recommended a 16-member cabinet, including the prime minister, and a council of ministers no larger than 40 to 45. The three-tier council of ministers should comprise cabinet ministers, ministers of state, and deputy ministers, dispensing with parliamentary secretaries.

* The "developmental state" was conceptualized to encapsulate the experience of the East Asian miracle economies in the last quarter of the twentieth century in the context of late industrialization, when the development giving it priority over democratic politics back in *Towards a Model of the Studies*, vol. 31, no. 3, February 1995, pp. 400–427. "Democratic developmental state," on the other hand, seeks in late industrializing economies a more balanced development of democracy as well as capitalism in the context of state-led development initiates. See Mark Robinson and Gordon White, eds., *The Democratic Developmental State: The Political and Institutional Design*, New York; Oxford University Press, 1998.

† Like in Texas, everything on an all-India level is big! The constitution of India comprises 395 articles, XXII parts, and 12 schedules! During its deliberations spread over from the mid-1960s to the mid-1970s, ARC-I produced a 20-volume report dealing with 1) redressal of citizen's grievances, 2) machinery of planning (interim report), 3) public sector undertakings, 4) finance, accounts, and audits, 5) machinery for planning (final report), 6) economic administration, 7) the machinery of the government of India and its procedures of work, 8) Life Insurance Corporation, 9) central direct taxes administration, 10) Administration of Union Territories and North East Frontier Agency, 11) personnel administration, 12) delegation of financial administration powers, 13) center-state relations, 14) state administration, 15) small-scale industries sector, 16) railways, 17) treasuries, 18) the Reserve Bank of India, 19) post and telegraph department, and 20) scientific departments. It gives the readers the scale of operations of the governments in India in the era of the interventionist state and big government!

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**Table 7.1 Various Administrative Units in the Indian Union and States**

| |
|---|
| Union government and administration with various ministries/departments/executive agencies with the central secretariat at the top headed by a cabinet secretariat and secretaries/additional secretaries for each ministry and major departments in a ministry |
| ↓ ↑ |
| State government and administration with a secretariat comprising secretaries for various ministries, etc. |
| ↓ ↑ |
| Divisional commission headed by a commissioner |
| ↓ ↑ |
| District administration headed by a district officer |
| ↓ ↑ |
| Block development administration headed by a block development officer |

**Table 7.2 Local Politico-Administrative Units in India**

| *Panchayat Raj Institutions* | *Urban Local Bodies* |
|---|---|
| Zila Parishad<br>↓ ↑<br>Manda/Taluqa/Tehsil Panchayat<br>↓ ↑<br>Gram (village) Panchayat | Municipal corporations for larger urban areas/municipal council for smaller urban areas/Nagar Panchayats in areas in transition from a rural to an urban area |

Five ministries without internal departments, 16 with departmental divisions, and 11 cabinet committees were recommended. In the interest of harmonious initiation of policies, cabinet coordination, and monitoring of implementation of policies, the prime minister was advised not to be in direct charge of any ministry except the department of personnel. A cabinet minister doubling as the deputy prime minister should be in charge of ministry of planning (without any department) and departments of atomic energy, administrative reforms, parliamentary affairs, and cabinet affairs. A monthly review by the prime minister of the work in individual or groups of ministers would improve implementation and efficiency. Rational considerations in choice of ministerial colleagues by the prime minister were exhorted. A two-week annual holiday for ministers for reading, reflection, and relaxation was suggested. Some of these ideas, for example, categories of ministers and the prime minister's strong drive in initiation, coordination, and review of policies are reminiscent of the British Westminster cabinet system in party government. Besides the approach of the makers of the Indian constitution as to details, here one is also reminded of the ancient Indian manual on statecraft, Kautilya's *Arthashastra.*

In the interest of collective responsibility of the cabinet, the commission emphasized the practice of discussing and settling all important issues by the cabinet and avoided the announcement of any new policy or departure from the existing policy by an individual minister without the approval of the cabinet. Individual ministerial accountability should be limited only to the failure

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or wrong formulation of policy regarding a major problem in one's ministry, lack of personal attention to the work, mismanagement or maladministration, and acts of impropriety. A minister cannot be held accountable for an act of a civil servant that is in express violation of a ministerial directive, or is prohibited by implication by policies approved, or is *mala fide*.

As to the minister–secretary (civil servant) relationship, the commission laid down the following principles/practices: (a) all major decisions should be in writing with reasons stated; (b) an atmosphere of free, frank, and fearless discussion; (c) discouragement of unhealthy liaisons between a minister and a secretary by the prime minister; (d) avoidance of ministerial intervention in day-to-day administration; (e) a civil servant's appreciation of a minister's difficulties and discrimination between minor adjustment and major undermining of basic policies and principles; and (f) the development of a relationship of the secretary's loyalty to the minister and the latter's trust in the former.

To enhance parliamentary control over administration, the commission recommended department-based standing committees in place of ad hoc committees, supplementing omnibus standing committees like the Public Accounts Committee and the Estimates Committee. When a department was under the oversight of a standing committee, an informal consultative committee of members of parliament convened by the minister may be dispensed with. This recommendation was belatedly implemented in 1993.

The existing secretariat system of work in ministries is considered useful and essential for (a) assisting the minister in policy making; (b) framing legislations and rules and regulations; (c) sectoral planning and program formulation; (d) budgeting, securing administrative and financial approval, and controlling expenditure; (e) supervision and control over implementation of policies and programs by executive departments and semi-autonomous field agencies; (f) coordination of policies with other ministries of the union government and with the state governments; (g) personnel and organizational reforms in the ministry and its executive agencies; and (h) assistance to the minister in performing parliamentary responsibilities. Nevertheless, the commission felt the union secretariat had become overstaffed and unwieldy with blurred responsibilities and nonessential work. It had also encroached upon jurisdictions constitutionally assigned to state governments under the constitution.

The commission suggested that the union ministries should legitimately concern themselves only with the following functions concerning the subjects falling within the jurisdiction of the states: (a) offering initiative and leadership to the states and serving as a clearing house of information about good programs and practices at any level and anywhere in the country, (b) formulation of national plan in close collaboration with states, (c) initiating research and development beyond the resources of states, (d) undertaking foundational training programs, (e) program evaluation initiatives from the national perspective, (f) providing forums for intergovernmental meetings, (g) the function of coordination that can be handled only at the center, and (h) relations with foreign governments and international organizations. In domestic administration, the commission favored the continuation of the distinction down the line. Most of these norms remained largely ignored during the increased political and administrative centralization in the 1970s to the 1980s under prime ministers Indira Gandhi and Rajiv Gandhi.

The commission recommended that each ministry should have three staff offices, that is, for planning and policy, for finance, and for personnel. The commission found the decision making in a ministry slow and cumbersome, involving six levels: the dealing assistant, section officer, undersecretary, deputy secretary, joint secretary/secretary, and minister. In the opinion of the commission, this clerk-oriented system needed to be reformed into an officer-oriented one, involving only two levels of consideration and decision below the level of the minister. The commission also recommended the establishment of a central personnel agency at the top, directly under

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the prime minister in the union secretariat. This recommendation was promptly implemented by the union government in 1970.*

In the following sections, we discuss the recommendations of the ARC-I relating to the administrative structures at the state and district levels. The commission's review at the level of the state government yielded a series of recommendations relating to the governor, the council of ministers, the secretariat, the executive departments, the Board of Revenue, divisional commissioners, district collectors, and Panchayat Raj. It also was concerned with reforms in the machinery for planning at the state level. Moreover, the commission also dealt with the center–state relations in the context of the formation of state governments by parties other than the Indian National Congress in about half of the states of India after the 4th general elections in 1967.

In the post-1967 political scenario, the governor was increasingly called upon to exercise his "discretionary powers" expressly given by the constitution but left undefined. In the context of increasing partisan conflicts at the state level and growing center–state tensions, the commission recommended that the governor steer clear of such controversies and exercise the discretionary powers strictly in a nonpartisan spirit and in accordance with the expectations of the constitution and statutes passed by the state legislature. Moreover, in deference to the principle of separation of powers among the legislature, executive, and judiciary and the concomitant principle of division of powers between the center and the states, the governor should not interfere with the legitimate powers of the legislature and leave the intergovernmental disputes to be settled by the Inter-State Council (provided for in Article 263 of the constitution but not actually set up until 1990).

The commission's recommendations regarding the state secretariat and executive agencies were more or less similar to those made at the union level. In the opinion of the commission, the Board of Revenue at the state level could be abolished. Its appellant functions could be transferred to a revenue tribunal comprising a judicial officer of the status of a judge of the high court and a senior revenue officer. Its administrative and advisory functions could be performed by the secretariat itself. The commission also considered a divisional commissioner intermediate between the state government and the district administration unnecessary for general administration. The divisional commissioner should be only a coordinating agency where the rural and urban planning in the context of industrial development has to be on a regional rather than district level.

The commissioner recommended that the district collector should be made responsible for the efficient performance of only the regulatory functions, such as law and order, collection of land revenue and other taxes, land records, civil supply, and ancillary functions. This could be done by separating the administrative from his judicial functions and developmental functions and transferring these to other functionaries. The developmental functions should be transferred to the Zila Parishads, the apex of the Panchayat Raj institutions, and the district development officer.

The commission's review of the machinery of planning led to the recommendation that the planning commission should remain an autonomous expert advisory body rather than take on executive functions. To this end, the prime minister should cease to be the chair of this body and ministers should not be appointed as its members, although they should be closely associated with its work. The commission disapproved of the tendency of the planning panel to become parallel to ministries or a "super cabinet" of sorts. The seven-member planning commission of experts should autonomously formulate the plans, subject to the final approval and review of the union cabinet and the National Development Council comprising the key union ministers and the chief ministers of states. The commission also recommended the formation of state planning boards

* My discussion of the recommendations of the ARC-I here and later in this chapter draws mainly from S.R. Maheshwari's *Administrative Reforms in India,* New Delhi: Macmillan India Ltd., 2002, chapter 9.

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for formulating and evaluating five-year plans in the states. The work related to planning at the district level may be handled by the district development administration and the Zila Parishad.

For the redress of citizens' grievances, the commission recommended the adaptation of the institution of ombudsman in Scandinavian countries and of parliamentary commissioner in New Zealand. Along these lines, a two-tier machinery of the Lokpal and Lokayukta was suggested to supplement the process of parliamentary control, free from partisanship and outside the administrative hierarchy. Complaints against ministers and secretaries at the center as well as in states could be made to the Lokpal. Lokayuktas, one for the center and one for each state, should deal with the complaints against the rest of the bureaucracy. Having the same status as the chief justice of India, the Lokpal should be appointed by the president of India on the advice of the prime minister in consultation with the chief justice of India and the leader of the opposition in the Lok Sabha. Comparable in status and position of a chief justice of a high court, Lokayuktas' powers, functions, and procedures may be prescribed *mutatis mutandes* like those laid down for the Lokpal.

The comprehensive review of Indian administration by the ARC-I had come in the context of the administrative and political trends of the first two decades after the commencement of the constitution in 1950. The administrative trends were marked by the groupings for better values and procedures and administrative decay and corruption that had set in. Politically, the one-party dominant system under the aegis of the Indian National Congress showed the first major breach in the general election of 1967 in which the ruling party lost in 9 out of the then-18 states, where a spell of unstable coalition governments of an extremely heterogeneous set of parties followed, causing a crisis of governance. Political fragmentation coupled with declining administrative capability at state and district levels from the late 1960s to the late 1970s caused serious strains in center–state relations.

The first central commission on center–state relations was appointed in 1983 by Prime Minister Indira Gandhi in the background of the excessive political centralization during the 1970s that caused an upsurge in regionalism and an urge for federal autonomy in the country. The two-member commission comprised Justice R.S. Sarkaria of the Supreme Court of India as the chair and a seasoned administrator as a member. It submitted its report in 1988. Here, our discussion would be limited to the issue of administrative reforms. The Sarkaria Commission dealt with the issues of administrative reforms in the context of union–state relations and the All-India Services. Corresponding to the supremacy of federal laws under specified conditions and the responsibility of the state administration in this context in the constitutions of the United States, Australia, and Germany, the constitution of India too prescribes the principle of cooperative administrative federalism. To this end, Article 256 provides that the executive power of every state shall be so exercised as to ensure compliance with the laws made by the parliament of India, and the executive power of the union shall extend to the giving of such directions to a state as may appear to be necessary for this purpose. Article 257 specifies certain purposes germane to the above blanket provision, for example, construction and maintenance of means of communication, national highways and waterways declared to be of "national or military importance", protection of the railways within a state on union's cost, and so on. And Article 365 allows the application of sanctions by the union in the event of noncompliance by a state. These provisions may be explained or understood in the light of the fact that administration and enforcement of many of the laws under the union list and most laws under the concurrent list are secured through the state administration. On examination, the commission came to the conclusion that these are "wholesome provisions, designed to secure coordination between the union and the states," and recommended that sanctions under Article 365 be applied with "utmost caution" and only after exploring "all possibilities" for "settling points of conflicts by all other available means" (Commission on Centre–State Relations 1998, p. 110). The commission did not agree with the suggestion that the union directives under Articles 256 and 257 be issued after consulting the Inter-State Council,

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"because it will dilute the accountability of the Union Government for its actions to Parliament" (Commission on Centre–State Relations 1998, p. 107). It was also noted that the foregoing provisions were never used or abused, and that recourse to judicial review of the actions of the union government was always available to the state (Commission on Centre–State Relations 1998, pp. 106–107).

In its review of the All-India Services, the Sarkaria Commission found that although most of the state governments agreed that the services fulfilled the expectations of the framers of the Indian constitution and the parliamentarians enacting the conforming law in their relation, some state governments were highly dissatisfied with the existing arrangements. This dissatisfaction mainly arose from the departures from the ideal of joint disciplinary control of the two orders of governments over the services. It virtually amounted to the unitary control to the exclusion of state governments. The commission found greater fault in this regard at the state level, where an officer belonging to these services "who is uncompromising in the matter of maintaining the probity and impartiality of administration not unoften finds himself on a path of collision with his political superiors" (Commission on Centre–State Relations 1998, p. 226). He is made to suffer punishment posting, frequent transfers, and even suspension on flimsy grounds. There are instances of state governments, more often than the union government, seeking to manipulate and coerce the officers into doing their bids anyhow (Misra 2009).

As a remedy, the commission recommended (a) an advisory council for personnel administration of the All-India Services comprising the union cabinet secretary (chair), union secretaries in charge of individual All-India Services, and chief secretaries of states and (b) disposal of an appeal against suspension of an All-India Service officer by the union government "invariably" in consultation with the Union Public Service Commission, whose advice should normally be accepted to weed out partisan considerations on the part of the union government (Misra 2009).

## 7.4 Reformist Discourse since the 1990s

The decade of the 1980s witnessed the gradual shift of political power from the Indian National Congress to the noncongressional parties at the state level. The 1989 Lok Sabha elections carried forward this process at the national level where the end of the congressional majority heralded the advent of the multiparty system with federal coalition governments. Coupled with this increased federalization in the sense of regionalization, the Indian political economy also underwent a paradigm shift to business liberalism and globalization since 1991. The discourse on administrative reforms during this phase reflects responses to these two imperatives of greater federalization and globalization. I propose to discuss in this context the two following documents: the Report of the National Commission to Review the Working of the Constitution (Chair, Justice M.N. Venkatachaliah) and reports of the Administrative Reforms Commission-II (Chair, M. Veerappa Moiley). The Venkatachaliah Commission was appointed by Prime Minister Atal Bihari Vajpayee in 2000 to review and recommend "changes, if any, that are required in the provisions of the constitution without interfering with its basic structure or features" (Report of the National Commission to Review the Working of the Constitution 2002, p. 3).

The major administrative reforms recommended by this commission may be summarized as follows: (a) the imperative of devolution, decentralization, and democratization demand making the district the unit of development administration and planning; (b) state guarantee of private and public title to land after carrying out extensive land surveys and computerizing the land records; (c) downsizing the bureaucratic apparatus of the state and introduction of new management system; (d) autonomous personnel boards for assisting the high-level political authorities on questions of personnel policy, including placement, promotion, transfers, and fast-track advancement on the basis of forward-looking

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career-management policies and techniques; (e) placement of the specialists under the generalists at the top; (f) enactment of the freedom of information legislation by the parliament; (g) the appointment of a National Science and Technology Commission under the chairmanship of the prime minister for policy making, planning, promoting, and funding of higher scientific and technological research and earmarking of 2% of the gross national product exclusively for scientific and technological research and development; (h) restoration of ethical and moral dimension as one of the most crucial issues of governance; (i) enactment of a public Interest Disclosure Act or a whistle-blower Act to protect the informants against retribution; (j) enactment of a comprehensive law ensuring a public servant's liability for damages caused to the state by *mala fide* actions; (k) a law for confiscation of illegally acquired assets of holders of public offices; (l) constitutional amendment requiring the appointments of the Lokpal at the center and Lokayuktas in states; and (m) enactment of a law by parliament to establish the Inter-State Trade and Commerce Commission under Article 307 read with entry 42 of the union list of the constitution to facilitate free trade and emergence of a common market in the country (Report of the National Commission to Review the Working of the Constitution 2002).

The six-member ARC-II was appointed by Prime Minister Manmohan Singh in 2005 to "suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government" (Second Administrative Reforms Commission 2005, p. 1). It submitted its reports (15 vols.) in 2009.* After exploring international experiences of reorganizing governments, the commission highlighted the following global lessons: (a) the political leadership at the apex level with consensus across party lines pushed the reform agenda with commitment; (b) emphasis on focusing on the core functions of government, right-sizing the administration, and outsourcing the functions; (c) competition in delivery of public services—dismantling of monopolies; (d) agencification of government departments to carry out specific executive functions within a mandate and a framework of policy and resources; (e) decentralization, delegation, and devolution; (f) public–private partnership; (g) bureaucratic deregulation; (h) strengthening of accountability mechanisms; (i) electronic or e-governance for efficiency and citizen-empowerment; (j) a performance management system (PMS) for refurbishing of personnel administration; (k) citizen's charters, effective grievance redress mechanisms, right to information, and so on; (l) promotion of diffusion of good governance practices; (m) policy evaluation and regulatory impact assessment; (n) benchmarking for continuous improvement; and (o) governance indices indicating what is happening to different social groups in terms of quality of life, especially to the disadvantaged and the vulnerable.† The commission has made specific recommendations relating to all these dimensions of administrative reforms in the various volumes of its report. Here, I will mainly focus on those relating to the structure and functions of the union, state, and district administration.

The commission urged the reduction in the number of oversize ministries and large and overstaffed secretariats at both the union and state levels, largely a product of the expansion of the role and functions of governments in the years of "socialist" and populist state and patronage and coalition politics. The 91st constitutional amendment (2003) has already prescribed the norm of the size of the council

* Another marathon exercise in administrative reforms that produced following 15 volumes on 1) right to information, 2) human capital: entitlements and governance, 3) crisis management, 4) ethics in governance, 5) public order, 6) local governance, 7) capacity building and conflict resolution, 8) combating terrorism, 9) social capital, 10) personnel administration, 11) e-governance, 12) citizen-centric administration, 13) organizational structure of Government of India, 14) financial management systems, and 15) state and district administration.

† Ibid., pp. 39–45. For a more comprehensive review of the literature on the global discourse on administrative reforms from the policy perspective of neo-liberalism, see Amita Singh, ed., *Administrative Reforms: Towards Sustainable Practices,* New Delhi: Sage Publications, 2005, "Introduction" (to chapters that follow on micro-studies of power, transport, and social sector reforms).

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of ministers at 15% of the membership of the popularly elected houses. However, the commission takes a more nuanced and differentiated approach. It expects that the number of ministers in the Government of India could be reduced from about 55 to about 20–25 (Lok Saba, N = 545). As for the state governments, the prescribed numbers are 10% in larger states (Vidhan Sabha, N = 2004), 12% in medium states (Vidhan Sabha, N = between 80 and 200), and 15% in smaller states (Vidhan Saba, N = below 80) (Second Administrative Reforms Commission 2009, p. 25).

Regarding the administrative structures of the union and state governments, the commission advised each ministry to review whether its activities/functions are critical to the mission of the government and whether they are to be carried out by a government department or an agency. The government ministry or department should only concentrate on planning and policy, budgeting and legislative work, coordination, monitoring of implementation, appointment of key personnel, and evaluation. The rest of the activities should be carried out by agencies of the department, autonomous or semi-autonomous, and professionally managed under a mandate. These agencies could be structured as a board, commission, company, or nongovernmental organization or society. To strike a right balance between autonomy and accountability, suitable performance agreements, memorandum of understanding (MOU), contracts, and so on could be signed between the government department and the concerned agency.*

To streamline personnel administration, the commission recommended that the union and state governments enact a comprehensive civil services law and set up a civil services authority at each level. This authority, with suitable autonomy and neutrality, should deal with matters concerning appointment/posting and tenure of senior officers of all ranks and in all ministries and departments. Until the time such an authority is set up at the state level, a collegium of a ministers nominated by the chief minister, the leader of the opposition in the state assembly, and the incumbent chief secretary should recommend a panel of candidates to be appointed.†

In the context of the proliferation of statutory independent regulatory agencies in India since the initiation of the process of economic liberalization from the early 1990s, the ARC-II implied that such agencies created under the union list subjects lack both the requisite autonomy and power. This defeats the purpose of having them in the first place, for they ought to "differ from the conventional (bureaucratic) regulating system as they are separated from the executive wing of the government and enjoy a certain degree of autonomy." The Central Electricity Regulatory Commission of India, established by a parliamentary act under entry 38 of the concurrent list in the 7th schedule of the constitution with semi-judicial powers and chaired by a serving or retired judge of the Supreme Court of India and whose members can be removed for specified reasons only after an inquiry conducted by the apex court on reference received from the union government is a model of an independent regulatory authority that should be replicated in other policy areas or sectors of the economy where the agencies are less autonomous at present. Their accountability should be ensured through the respective departmentally related parliamentary standing committees, which should restrict their oversight to their major decisions rather than day-to-day functioning. Periodic evaluation of their work by a panel of outside experts is also advisable to supplement the parliamentary scrutiny.‡

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* *Second Administrative Reforms Commission (2009), Fifteenth Report, State and District Administration,* New Delhi: Government of India, p. 25, http://darpg.nic.in/darpgwebsite_cms/Document/file/sdadmin15.pdf.

† India, Republic, *Second Administrative Reforms Commission, Thirteenth Report,* pp. 118–119; and *Fifteenth Report*, pp. 32–33. Both the reports can be accessed online at the Department of Administrative Reforms and Public Grievances at http://darpg.nic.in/ArticleContent.aspx?category=160.

‡ India, Republic, *Second Administrative Reforms Commission, Tenth Report Refurbishing of Personnel Administration – Scaling New Heights,* New Delhi: Government of India, p. 2; *Second ARC, Fifteenth Report, State and District Administration,* pp. 39–42.

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As for the need to ensure the existing coordination mechanisms among various ministries at the center and between the center and the states, the commission felt that the existing instrumentalities of group of ministers (GOMs) and committee of secretaries (COSs) functioned effectively and helped in early resolution of issues. The unresolved issues concerning states that require interministerial coordination in the Government of India to be placed before the COSs and then the union cabinet.* The commission emphasized the importance of the Inter-State Council in creating union–state consensus on issues of administrative and political reforms throughout the various volumes of its report.

The commission thought that it was no longer necessary to have an intermediate level of administration in the form of the commissioner between the state capital and the districts, both in view of the emergence of the district as the key unit of field administration and compression of time and space with the advancement in physical and electronic connectivity (Second Administrative Reforms Commission 2009, p. 45).

The ARC-II reiterated the recommendation of the ARC-I that the district officers should be encouraged to specialize in their respective developmental/technical fields and that the administrative head of the district, district magistrate, or collector should concentrate on the core functions such as land and revenue administration, maintenance of law and order, disaster management, public distribution and civil supplies, excise, elections, transport, census, protocol, general administration, treasury management, and coordination with various departments/agencies. The district administration also needs reorientation to new political and administrative concerns such as technological and functional modernization and responsiveness to Right to Information Act, civil society groups, media, and public grievances (Second Administrative Reforms Commission 2009, pp. 80–86).

The commission also recommended that the activities and functions transferred by state government to Panchayat Raj institutions and urban local bodies need not remain with district administration. Line departments such as those of water resources, public works, or health engaged in statewide projects should maintain their separate offices at district and subdistrict levels. They should provide technical support and guidance to district councils in planning and monitoring implementation (Second Administrative Reforms Commission 2009, p. 92).

Moreover, the ARC-II recommended an entirely new concept of "district government" operationalized through an integrated governing structure in the district council, with representation from both urban and rural areas. The district officer (magistrate/collector) should have a dual role in it. On the one hand, he/she should be fully accountable to the district council on all local matters, and on the other, he/she would also be fully accountable to the state government on all regulatory/other matters not delegated to the district government (Second Administrative Reforms Commission 2009, p. 90).

Finally, as anti-corruption measures, the commission recommends the streamlining of the existing vigilance commissions at the union and state levels and the Lokayuktas (ombudsman) in the states. It reiterates the enactment of a parliamentary statute instituting the central Lokpal (ombudsman) first recommended by the ARC-I but not implemented yet.†

It is interesting and useful to take a composite and comparative look at the major recommendations of the ARC-I and ARC-II and also to ascertain the extent to which these have been implemented by the two orders of the governments in India. This exercise is done in Table 7.3.

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* India, Republic, *Second ARC, Thirteenth Report,* chapter 6, p. 144.

† India, Republic, *Second Administrative Reforms Commission*, *Fourth Report, Ethics in Governance*, New Delhi: Government of India and *Second ARC, Fifteenth Report*, *State and District Administration*.

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**Table 7.3 List of Major Recommendations of the ARC-I and ARC-II**

| **ARC-I** |
|---|
| ***I. Union and State Executive*** |
| Optimum size of the Union Cabinet, including the prime minister (PM), to be 16 and that of the three-tier council of ministers be 40 to 46. The PM is not to be in specific charge of any ministry to keep him free for managerial tasks of policy initiation, coordination, and supervision (as the British practice is supposed to be) (not implemented yet). |
| The minister–secretary relationship is to be built on trust in the civil servant and loyalty to the minister in pursuit of administrative performance through free and frank exchange of views and major decisions taken in writing (prima facie not practiced more often than not). |
| To ensure cabinet collegiality and collective responsibility of the cabinet, all important issues are to be discussed and settled by the cabinet. A minister is not to announce a new policy or departure from an existing policy without the cabinet's approval (this has been blatantly violated in federal coalition governments and state governments of all kinds). |
| A minister cannot be held accountable for an act of a civil servant, which is in excess of a directive or order or by implication prohibited by policies already approved by the minister or cabinet. |
| A standing parliamentary committee is to oversee every ministry or major department within it (implemented since 1993 by reforming the parliamentary committee system). |
| A state governor is to consult the chief minister (CM) but need not be necessarily bound by the advice. In performing functions given by state statutes (e.g., as chancellor of states' universities), the governor is to function in his individual discretion rather than being bound by ministerial advice (mostly dogged by controversies and conflicts). |
| The size of council of ministers in larger states is to be about 20, in middle-size states about 14 to 18, and in smaller states about 8 to 12 (the 91st constitutional amendment, 2003, limited the size of the union and state council of ministers to 15% of the membership of the popularly elected legislative chamber). |
| ***II. Secretariat: Union and State*** |
| Both the central and state secretariats have become overstaffed and bounded with blurred responsibilities. Suitable reforms are needed (no formal layoffs, but casualization of new appointments sans security and facilities of service conditions earlier than routinely offered). |
| The central secretariat has become burdened with work that falls within the jurisdiction of states under the constitution. Devolution is consistent with the constitutional division of powers and the needs of economic development that are recommended. |
| The following three staff offices should be created in each ministry: (a) a planning unit, (b) a personnel unit, and (c) a finance unit. A central personnel agency is to be placed directly under the PM with overall personnel concerns involving all categories of civil services and administrative tasks (implemented). |

(*Continued*)

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**Table 7.3 (*Continued*) List of Major Recommendations of the ARC-I and ARC-II**

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| The road to the top administrative ranks should be open to all categories of civil services—All-India Services, Central Services, and State Services, such that the present practice of monopolizing such positions by the generalist All-India Services to the blockage of specialized central services must be done away with (the special institutional interest group of the IAS lobby has so far maneuvered to forestall this reform). |
| Routine six-level movement of files from the bottom-level clerk to the secretary at the top is to be reduced to only two levels of officials. |
| Secretariat should shed functions of executive nature that it has been performing at present. |
| ***III. State Administration*** |
| Replacement of the Board of Revenue by the Secretariat itself for its administrative and advisory functions and transfer of its appellate functions to a revenue tribunal consisting of a judicial officer of the status of a judge and a senior revenue officer from the administrative side (not implemented). |
| Abolition of the position of a divisional commissioner intermediate between the district collector (DC)/magistrate (DM) and the secretariat. |
| The omnibus or multifunctional DM is to be left exclusively with regulatory functions, law and order, and the collection of land revenue and other taxes. The DM's judicial functions are to be transferred to a judicial magistrate and developmental functions to a development officer. |
| ***IV. Panchayat Raj*** |
| Developmental functions should be transferred to the elective Zila (district) Panchayat body, usually called Zila Parishad (district council). The district development officer is to be placed under the elected president of the Zila Parishad. |
| ***V. Machinery for Planning*** |
| The planning commission is to limit itself to plan formulation, determination of resources required, and evaluation of plan performance. It should shed its executive functions. The PM should cease to be the chair of the planning commission, though must remain closely associated with its activities along with the finance minister. Chaired by the PM, the Planning Commission has grown into a "super cabinet," and steadily added to its functions and personnel and encroached on areas of executive authority of the central and the state governments (not implemented, so far as the chairmanship of the PM and association of other key ministers as members are concerned). Recommended the constitution of state planning boards with their own secretariats. |
| ***VI. Centre–State Relations*** |
| Recommended the establishment of the Inter-State Council (ISC) under Article 263 of the constitution (implemented in 1991 but the ISC with its secretariat exists largely on the margins by continued recourse to more informal and ad hoc intergovernmental forums such as chief ministers'/ministers'/secretaries' conferences). |

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**Table 7.3 (*Continued*) List of Major Recommendations of the ARC-I and ARC-II**

| |
|---|
| All-India Services should provide a larger measure of intake by promotion from the ranks of state civil services. Moreover, class II personnel from State Services could also be brought to the center as undersecretaries in functionally specialized areas of administration (largely unimplemented). |
| ***VII. Redress of Citizens' Grievances and Cases of Corruption*** |
| Responsible government and administrative accountability is to be supplemented by instituting Lokpal at the center and Lokayuktas in the states (ombudsmen) (in the last 40 years, bills were introduced several times in parliament but never carried to the logical conclusion of legislation). |
| **ARC-II Reforming the Structure and Administration of the Union Government** |
| I. The union government should primarily deal with core areas: (a) defense, international relations, national security, justice, and rule of law; (b) human development through access to good quality education and healthcare for every citizen; (c) infrastructure and sustainable natural resource development; (d) social security and social justice; (e) macroeconomic management and national economic planning; and (f) national policies in respect of other sectors.<br>II. The principle of subsidiarity should be followed to decentralize functions to state and local governments.<br>III. Separation of policy-making functions from executive functions. |

*Source:* For ARC-I, Shriram Maheswari, *The Administrative Reforms Commission* (Agra: Lakshmi Narain Agarwal, 1972); for ARC-II, Second Administrative Reforms Commission, *Organizational Structure of Government of India, Thirteenth Report, and State and District Administration, Fifteenth Report,* both published by the Government of India in April 2009. The 13th report of ARC-II can be accessed online at http://darpg.nic.in/darpgwebsite_cms/Document/file/org_structure_gov13.pdf, and the 15th report can be accessed in its entirety at http://darpg.nic.in/darpgwebsite_cms/Document/file/sdadmin15.pdf.

*Note:* The ARC-I report is too recent to talk about action on the part of the governments in India on it, given the slow pace and poor record of implementation on constitutional commission reports.
The recommendations pertaining to administration of the Union Territories and the Northeastern States are omitted due to constraints of space here.

It is evident that despite the fact that the ARC-I reported when the socialistic and welfarist policy paradigm of the post-independence Indian state was still in place though in a state of decline and the fact that the ARC-II reported after the paradigm shift to business liberalism and globalism, there is remarkable amount of overlap between the recommendations made by the two panels! In my opinion, it may be more due to India's preference for gradualism in the policy shift than to the continued spell of statism. As regards the implantation of the recommendations, India's record of administrative reforms is shown to be glacial and unimpressive. This is attributable to the vested interest of the political and bureaucratic classes, the weakness of the bourgeoisie, fragmented electoral mandates and divided governments due to discordant bicameralism, and the variegated chessboards of federal coalition governments and governments in 28 states of the Indian union.

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## 7.5 Conclusion

Summing up, the board thrusts of administrative reforms in India have aimed at three basic goals: improving the efficiency of administration internally and in relation to service delivery to the citizens, maintaining the thin line of demarcation between political neutrality of administration and party politics, and curbing corruption. A systematic empirical study or even a series of such micro-studies in a large number are still awaited. However, the available information suggests that the Indian administration is seriously deficient on all the three counts. One gross indicator of this state of affairs is the recurrence of public protests and anti-corruption movements locally, regionally, or nationally (Chandra 2003; Jenkins and Jenkins 2004), including the India Against Corruption (IAC) campaign led by Anna Hazare since the heady Arab Spring of 2011, considered by some as the most important democratic moment since the post-World War-II collapse of communist authoritarianism in the wake of the end of the Cold War around 1989. Indeed, the most telling evidence comes from a high-level union government administrative committee chaired by Home Secretary N.N. Vohra. In its report submitted to the Government of India in 1993, the committee drew pointed attention to a nexus among politicians, criminals, police, and bureaucrats in various parts of the country.*

More recently, legal action triggered by the report of the comptroller and auditor general of India to the parliament and the Supreme Court order against ministers and civil servants in the Government of India in relation to the 2G telecom spectrum allocation to corporate private companies, among other cases of corruption, has revealed glaring cases of collusive corrupt deals. The Nira Radia tapes involving a lobbyist, Government of India functionaries, and corporate companies have brought to public notice instances of ministerial portfolio allocations being made on considerations of collusive *quid pro quos*. Wholesale transfers of civil and police officers on political, caste, and other community considerations after the coming to power of a new government in several states have become routine affairs.

The major problem that administrative reforms in India face is the abysmal record of lack of implementation of the series of reports of the various commissions reviewed above. Even a few reforms like the creation of agencies and regulatory authorities within the bureaucratic apparatus and the 73rd and 74th constitutional amendments concerning the Panchayat Raj and Nagar Raj at local levels are seriously deficient in autonomy, power, and finances. The vigilance commissions at the center and in the state and the Lokayuktas in the states are again bedevilled by the same deficiencies. The Lokpal at the center is not yet instituted in the trail of legislative bills, and in 2012, a constitutional amendment bill was allowed to lapse or defeated in the last 40 years. The Anna Hazare anti-corruption movement making this issue as its central platform has clearly revealed the entire political class, or at least an overwhelming majority of the parliamentarians, on one side of the political divide and the active citizenry on behalf of the civil society on the other. The movement, much like the anti-corruption/anti-authoritarian movement of the 1970s led by the socialist-turned-Gandhian Jayaprakash Narayan (JP) has developed outside the framework of the formal party system. Unlike the JP movement, which used conventional means of political mobilization, the Anna Hazare movement has mainly thrived on the private electronic and social media, supplemented by mass congregation in cities such as Delhi, Mumbai, and Bangalore. Led by the middle classes, both these political events qualify as popular mass movements. A few administrative reforms, such as the Right to Information Act (2005) and the "social audit" of the Mahatma Gandhi National Rural Employment Guarantee Act (2005), were implemented

* *Vohra Committee Report,* New Delhi: Government of India, Ministry of Home Affairs, 1993.

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under the pressure of social movements and/or the National Advisory Council (NAC) of the Congress-led United Progressive Alliance (UPA) government, chaired by Sonia Gandhi.

Under pressure from the Anna Hazare movement, the UPA government was forced to form a joint Lokpal bill-drafting committee comprised of five union ministers and five IAC civil society activists, co-chaired by Pranab Mukherjee from the government and Shanti Bhushan from the civil society. Consensus eluding the committee, the Manmohan Singh government referred its own bill to the joint parliamentary committee, followed by the Janlokpal (People's) Bill of the IAC under pressure. The version of the constitutional amendment bill cleared by the standing committee failed to muster the two-thirds majority severally required in both houses of parliament (Lok Sabha and Rajya Sabha) for a constitutional amendment. In the Lok Sabha, it passed the requisite simple majority for legislation (not a constitutional amendment). In the Rajya Sabha, it faced an overwhelming and uproarious opposition before the session was adjourned *sine die*. At the time of this writing (May 2012), the bill is pending, with the most probable outcome being its certain rejection in the present parliament, unless a miracle happens under the pressure of the mass movement in a new parliament due to be elected in 2014 or elected earlier in a snap, mid-term election.

## References


Bandyopadhyay, Ś. (2004). *From Plassey to Partition: A History of Modern India*. Hyderabad, India. Orient Blackswan.

Chandra, B. (2003). *In the Name of Democracy: JP Movement and the Emergency*. New Delhi: Penguin Books.

Commission on Centre-State Relations. (1998). *Commission on Centre-State Relations*. Nasik, India: Government of India Press, p. 110.

Jain, R. (2001). *Public Administration in India: 21st Century Challenges for Good Governance*. New Delhi, India: Deep & Deep Publications.

Jenkins, R., & Jenkins, R. (2004). In varying states of decay: Anti-corruption politics in Maharashtra and Rajasthan. *Regional Reflections: Comparing Politics across India's States,* pp. 219–252.

Kulke, H. (1995). *The State in India, 1000–1700*. New Delhi, India: Oxford University Press.

Maheshwari, S. (1972). *The Administrative Reforms Commission*. Agra, India. Lakshmi Narain Agarwal.

Maheshwari, S.R. (2002). *Administrative Reforms in India*. New Delhi: Macmillan.

Misra, B.K. (2009). *Indian Administrative Service: The Case for Reform*. New Delhi: Rupa & Co.

Rao, B.S., Menon, V.K.N., Kashyap, S.C., & Iyengar, N. (1968). *The Framing of India's Constitution*. Indian Institute of Public Administration, Bombay: NM Tripathi.

Thapar, R. (1997). *Asoka and the Decline of the Mauryas*. New Delhi, India: Oxford University Press.

Saxena, R. (2006). *Situating Federalism: Mechanisms of Intergovernmental Relations in Canada and India*. New Delhi, India: Manohar Publishers.

Second Administrative Reforms Commission. (2005). Unlocking human capital: Entitlements and governance—A case study. New Delhi, India: Government of India.

Singh, H., & Singh, D.P. (2011). *Indian Administration*. New Delhi: Pearson.

Singh, U. (2011). *Rethinking Early Medieval India: A Reader*. New Delhi, India: Oxford University Press.

Streusand, D.E. (1989). *The Formation of the Mughal Empire*. New Delhi, India: Oxford University Press.


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# *Chapter 8*

# Civil Service System and Reforms in India

Krishna K. Tummala

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On the eve of independence in 1947, India's founding fathers had lofty notions about the role of the new Government of India. Prime Minister Jawaharlal Nehru, speaking on assumption of power at midnight on August 14–15, 1947, pledged "dedication to the service of India and her people and to the still larger cause of humanity," and went on to say, "The ambition of the greatest man of our generation (Mahatma Gandhi) has been to wipe every tear from every eye. That may be beyond us but as long as there are tears and suffering, so long our work will not be over." S. Radha Krishnan (the first vice president) joined by noting that, "… freedom will be used not merely for the well-being of India but for vishwa kalyan, that is, world peace, the welfare of mankind" (Rao et al. 1968).



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Service to humanity and world peace aside, India itself faced daunting administrative challenges. With a population of about 350 million with an average lifespan of around 27 years, it had a long way to go to step into the modern era. However, the nation in a way was prepared. It inherited an administrative setup of what Lloyd George, Prime Minister of England, called the "steel frame of India." But two immediate questions cropped up: (1) Should an independent India continue with the administrative legacy of the colonial master? and (2) Can an apparatus that was successfully used to rule the colonists be useful in developing a new India that should catch up with the rest of the free world?

## 8.1 Historical Antecedents

Before examining the current state of affairs, it would be useful to provide a very brief history of civil service in India (Tummala 1994). Although the history of India may be traced back to 6,000 years before the Christian era, a good start to the history of modern administration would be the charter granted by Queen Elizabeth I on December 31, 1600, to a consortium of British merchants, which came to be known as the East India Company. This company, which was started as a trading outfit, soon began acquiring territory by 1639, which meant establishing administrative machinery to rule. Three fundamental questions arose in this context: Could a trading company acquire territories and rule them? Would the original charter permitting trade be adequate to rule? Where does the British Parliament stand with regards to company rule? In response, the British Parliament kept passing several laws, starting with the 1773 Regulating Act, ultimately culminating in the Indian Independence Act, leading to the birth of the new independent India in 1947.

All those serving the company were British. They were called "covenanted servants," as they had to execute a contract that they would serve the company with good conduct and remain loyal to it. The first rationalization of this service occurred during the governor-generalship of Lord Cornwallis (1786–1793), when the judiciary was separated from the executive. By 1833, a limited competitive examination was held for the servants of the company that was formalized by the Charter Act of 1853. Following the Macaulay Report of 1854, the first competitive examination was held in 1855 for the Indian Civil Service (ICS). With the transfer of power (from the company to the Crown) after the Sepoy Mutiny of 1857, the governor-general in council took over the control of the service, acting on behalf of the Crown in England. Several commissions, such as the Atchinson Commission of 1887 and the Islington Commission of 1912, advised on the working of the service (as the civil servants were known). Due to the increasing agitation against the despotic rule by the servants, the 1919 Act announced increasing cooperation of Indians in administration. The act also provided for the secretary of state in England to make rules pertaining to the recruitment and service conditions. Perhaps the most important of these, which has repercussions to this day, was the provision that no one less than the appointing authority could dismiss a servant. Equally important was the establishment of the Public Service Commission (based on the British model) to conduct examinations and select the servants. In 1921, an oral examination, besides the written one, was added to the selection process. The 1923 Lee Commission Report provided for two different roles for the Public Service Commission: it would not only be a recruiting/selecting organization, but it would also play a quasi-judicial role in interpreting service conditions and hear appeals against disciplinary actions. The 1935 Act (which was a precursor to the Indian Independence Act of 1947) provided further safeguards

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to the existing civil servants, given the then current winds of political change (which would culminate in total independence of India).

The ICS was neither Indian nor civil, much less of service to India. Consequent to pressures for Indianization of the service, the Indian Civil Judges grade was created in 1831. Following the recommendations of the Macaulay Commission, the 1833 Act also said "no native of the British territories in India nor any natural born subject of His Majesty resident therein should, by reason only of his religion, place of birth, descent, colour or any of them be disabled from holding any place, office or employment under the Company" (Shukla 1982, pp. 2–3). By 1833, some Indians were pronounced eligible to serve as Deputy Collectors, the second tier officials in districts (more on this later).

However, two caveats are to be made. One, the desire to include Indians in the service may not actually be sanguine in that they would not only work cheaper, but their entry into the service might also mean loyalty to the British. Two, not many Indians could in fact take the examinations as they were held in England, as traveling to England was not only expensive but also against the then prevailing orthodoxy that a good Hindu ought not to travel on sea! Yet a few dared, and the first Indian to succeed as an ICS officer was a Satyendra Nath Tagore in 1864. However, there is not much evaluative literature as to what, if any, administrative advantage was gained with the inclusion of Indians. Yet India inherited a sound notion of civil service, typical of the British.

## 8.2 Inherited Civil Service and Initial Challenges

In pursuance of the Indian Independence Act of 1947, the services inherited from the British were retained. But in an effort at nativizing them, Sardar Vallabhai Patel, the home minister, observed: "We have evolved two new Services to take the place of the Indian Civil Service and the Indian Police *viz*. the Indian Administrative Service and the Indian Police Service…. The Draft Constitution does not provide for an All-India Service of this type. We will, therefore, have to make provision for these Services as well in the new Constitution." Dwelling on their ethos, he continued:

> I need hardly emphasize that an efficient, disciplined and contented service is a *sine qua non* of sound administration under a democratic regime even more than under an authoritarian rule. The service must be above party and we should ensure that political considerations either in its recruitment or in its discipline and control are reduced to the minimum, if not eliminated altogether…. In an All-India Service, it is obvious, recruitment, discipline and control etc., have to be tackled on a basis of uniformity and under the direction of the Central Government which is the recruiting agency…. (Rao et al. 1968, pp. 332–333)

Patel and the new services faced major initial challenges that were successfully tackled. The first was to cope with the highest transmigration of people between the two independent nations of Pakistan and India. As many as 10–12 million people crossed the borders between the two countries, although many a Muslim chose to stay back in secular India instead of moving over to the Islamic state of Pakistan. Consequently, today nearly 13% of the Indian population is Muslim. The second major task was to integrate several independent states into the Indian union.

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When the British left, there were as many as 565 native rulers, who enjoyed their own rule within India (except for minor controls by the British), pockmarking the length and breadth of India. To survive as a nation, these princely states needed to be integrated as part of the new nation. And Patel, who was known as the "steel man," succeeded, except in two cases: Kashmir and Hyderabad. While the latter was integrated by the use of force, the former opted to join the union when threatened externally but continues to be a source of irritation, with at least a part of it still a bone of contention between Pakistan and India.

There was a third challenge. The new Constitution of India declared itself to be a "sovereign democratic republic." Impressed with the economic development in Soviet Russia, but abhorrent as he was of violence (as tempered with the peaceful notions of Mahatma Gandhi), Nehru advocated democratic socialism as the national credo. The Congress Party that came to power adopted the same credo as its platform. The 42nd Amendment in 1976 to the constitution incorporated that India would constitute a "sovereign socialist secular democracy." And the Government of India began following five-year plans (the latest being the thirteenth). This came as a major test for the administration: Could the former services, which were used to secure law and order and collect taxes, now serve a government that decided to control the "commanding heights" of the national economy and herald a new equal and just society? (Tummala 1979) Indian administrators rose to the occasion. Tributes were paid by no less than Paul H. Appleby. In his report of 1953, commissioned by the Government of India, he said: "I have come gradually to a general judgment that now would rate the government of India among the dozen or so most advanced governments of the world."* The compliment was well-deserved. Thus, we come to examine the civil service in India in detail.

## 8.3 Past Reforms

Although the British civil servants tended to be like Plato's guardian bureaucrats, their behavior at times was high-handed. Philip Woodruff noted: "It was a despotism tempered by the despot's liberal upbringing and by the knowledge of Parliament's usually liberal attitude. But despotism it was all the same, as any system must be in which the people are given what is good for them instead of what they want" (Woodruff 1964, p. 17). Consequently, several reforms were indeed undertaken by independent India, some by former higher civil servants, others initiated by Parliament, and a few as recommended by foreign experts.

Even to provide a succinct list of various initial reform proposals would take several pages (Chaturvedi and Maheshwari 1984). However, an examination of these reports reveals some important insights (Tummala 1979). They are all intellectually well-conceived but short on empiricism, though based on some short surveys. Whatever recommendations were made, and there were several, very little was in fact accomplished, as there was not much of political will, besides the opposition from the entrenched bureaucracy. Consequently, the reports and recommendations tended to be repetitive. Whatever changes occurred, they were largely structural with not much emphasis on the processes of administration. In any case, the "steel frame" remained structurally

* Paul H. Appleby was the dean of the School of Citizenship, Syracuse of University, New York, and was the doyen of public administrators of that age. See his initial report, *Public Administration in India:* Report of a Survey (New Delhi: Government of India, Cabinet Secretariat, 1957), p. 8 (emphasis in the original). For his further comments, see also *Re-Examination of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises* (New Delhi: Government of India, Cabinet Secretariat, 1956).

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more or less intact. The disappointment was expressed by no less than the second chairman of the Administration Reforms Commission (ARC), K. Hanumanthaiya, who said: "Several studies and inquiries were made of the administrative problems during the last 15 years after independence. These attempts were, however, limited in scope, sporadic and uncoordinated. The effort was largely diffused and its pace uneven. There was no comprehensive and coordinated examination of the whole administrative machinery …" (Hanumanthaiya 1970, p. 1). At least this was the case until 1966.

The Government of India in 1966 announced the appointment of the ARC modeled after the Hoover Commission in the United States. Note that it was a body appointed by the executive but not created by Parliament. Its charge, laudable as it was, thus read:

> The Commission will give consideration to the need for ensuring the highest standards of efficiency and integrity in the public service, and for making public administration a fit instrument for carrying out the social and economic policies of the government in achieving social and economic goals of development, as also which is responsible to the people.*

Having gone through several hiccups, the commission finally came to have five members, of whom four were full-time politicians. The absence of civil servants was interpreted as the result of distrust, and the perception that they were blocking reforms as their own service conditions were affected by reforms. This was denied by the chairman, Moraji Desai, one-time Minister of Finance (later prime minister). The secretary of the ARC himself was after all a retired ICS officer. That the commission was dominated by politicians was considered to be an asset in that it would help Parliament implement the forthcoming recommendations. There were also suggestions that some of the recommendations, particularly those related to the civil service, were in fact inspired by the 1968 Fulton Commission report in England—a suggestion denied by both the chairman and the secretary (Maheshwari 1972; Tummala 1979).

The output of ARC was monumental. It took 4 years to look at the administrative structure and processes during which time it presented 20 reports making some 680 recommendations (based on the work of 33 study teams and working groups). The ARC was seized with the perennial issues of generalist versus specialist, parity of scales, and the superiority of the Indian Administrative Service (IAS), among others. The prevailing notion was that the IAS and other generalists alone were fit for administrative duties. This privileged status of the IAS was contested by other specialists/technocrats such as engineers who claimed that they were equally capable of higher administrative and leadership positions, contrary to the prevailing notion that a specialist used for administrative work was a waste of talent. Accordingly, the ARC recommended that civil servants be classified on a functional basis, and senior management positions in specialist agencies be picked from among the specialists themselves. As opposed to the closed civil service system, lateral entry was also suggested. However, parity of scales was not considered, as it was thought that it would be looked into by the about to be appointed Third Pay Commission. But this commission, in its report of 1973, leaned toward the time-honored generalist administrators and refused the arguments for parity of scales. Despite all the laborious work by the ARC, it should be noted that the administrative structure itself remained as it had been.

However, the Government of India did not lose interest in the reform of the bureaucracy, what with the inauguration of the New Economic Policy (NEP) in 1990, led by the then Finance

* Government of India, Resolution No. 40/3/64-AR, January 5, 1966.

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Minister (and the current prime minister) Manmohan Singh. While the constitution continues to look toward a secular socialist republic, the nature of administrative work indeed changed now that the private sector came to yield more influence and power in the socioeconomic development. With this change of philosophy of state, the second ARC was constituted on August 31, 2005,* under the chairmanship of Law Minister Veerappa Moily (he resigned as chair in April 2009, was moved out of the Law Ministry itself, and was succeeded by V. Ramachandran). This commission produced 15 reports by 2009. A Group of Ministers (GoM) was constituted to "consider the recommendations … and review the pace of implementation of the recommendations." But nothing substantive has come of all this to date, as the government seems to be more preoccupied in fighting hard to stay in office, what with the numerous pressures coming from its several coalition partners.

## 8.4 The Indian Polity and the Administrative Apparatus

It is important to dwell briefly on some of the unique features of the Indian polity as they impact the administrative arrangements. India, out of necessity, chose a federal form, although unlike the United States (where each of the federating units has its own constitution), India has a single constitution for the entire country. As a multireligious society, with several linguistic, regional, and cultural differences and as many as 18 major languages and innumerable dialects, India could not but opt for a federal form. Even the British, who unified most of the country administratively, could not conceive of a unitary state. To deal with the several fissiparous tendencies on the eve of independence, the constitution has some unitary features. Article 1 of the constitution calls it as a "Union of States." Article 3 allows parliament to redraw the boundaries of states, merge one state into another or more, and create new states. Article 365 empowers the center (as the federal government is commonly known) to dismiss and take over any duly elected state government by declaring an emergency when it is perceived that there is a failure of constitutional machinery in the state (Tummala 1996). But the center is dependent on the state governments for administering all the development projects, which made Appleby observe that India is "extremely federal" (Appleby 1957, p. 54). Given this unique nature, Alexandrowicz (1957) dubbed it as *sui generis*, a type by itself.

The president of India, at the top of the center (modeled largely after the British Crown), is elected by a complex formula by both the houses of Parliament and the state legislative assemblies (the lower house and not the councils—the upper house) and is a ceremonial figure. The legislative body is the Parliament with two houses (Lok Sabha, the lower house, and Rajya Sabha, the upper house). The head of government is the prime minister, who belongs to the majority party (or leading a coalition of parties as is the norm of late) in Parliament. The executive part is organized into several ministries (some divided into departments), each headed by a minister selected by the prime minister. Immediately below is a large hierarchy of permanent civil servants headed by a secretary, followed by an additional and/or joint secretary, a deputy secretary, an undersecretary and/or assistant secretary, section officers, assistants, upper and lower division clerks, and other technical staff (such as stenographers). The top three or four echelons of permanent civil servants are invariably IAS officers (see section 8.3).

* Vide, Government of India (Resolution no. K-11022/9/2004RC), with the charge "to suggest measures to achieve a proactive, responsive, accountable, sustainable, and efficient administration for the country at all levels." Among its charges was one to refurbish personnel administration.

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Besides the center, India has 28 states and 6 union territories.* Each state is headed by a governor, albeit a nominal figure, with the chief minister, an elected figure, as the chief executive. The governor is nominated by the center and reports to it. He/she is the one on whose recommendation the center declares an emergency and takes over the state government. At the substate level, the British had no native example that they could borrow from, and thus created a novel institution, the district (with every state subdivided into several districts). Each district is headed by a higher civil servant belonging to the IAS, who is known as the district collector—reminiscent of the primary task of collecting taxes during the colonial era. This is a position that is unparalleled even to this day; the only closer office by a long shot is the prefect in France.

## 8.5 Administrative Apparatus of India

In an effort at turning an essentially traditional and unequal society into a modern more or less equal society, India faced a formidable task. Since the 1990 NEP's economic liberalization, new and different tasks were added. While in the 1950s India was heralded as a model of a nascent democracy pushing toward democratic socialism, by the 1980s it became a "basket case" derogatorily called the "Hindu growth" in terms of its limited economic growth. But by the beginning of the 1990s, it turned the corner, and it is now one of the fastest growing economies in Asia (although it seems to have slowed down a little in 2011–2012) (Panagariya 2008). Thus, we come to explain the administrative apparatus serving this process under several subheadings: (1) the importance of All-India Services; (2) the Chief Personnel Agency and the Union Public Service Commission (UPSC); (3) recruitment and selection; (4) "reservations"; (5) training; and (6) the administrative behavior and behavior of higher civil servants.

### *8.5.1 Importance of All-India Services*

The center has its own cadre of civil servants known as Central Services (more than 20 in all), divided into groups A, B, C, and D. Each state also has its own cadre. Then there is the unique cadre known as the All-India Services, which serves both the center and the states, alternatively. Article 312 of the constitution provides for the All-India Services, and the 1951 All-India Services Act recognized only two services: the Indian Administrative Service (IAS) and the Indian Police Service (IPS). (A very small group who top the service following the civil service examination [CSE] may choose to belong to the Indian Foreign Service, the IFS.) The same article also permits the creation of more All-India Services on a recommendation of the Rajya Sabha with a two-thirds majority. In 1955, the Sates Reorganization Commission (SRC) recommended the creation of several. But as the states have come to resent the creation of more of these services (arguing that the federal structure would be adversely affected), only the IFS was created in 1966. The importance of All-India Services was summed up by the Estimates Committee of Parliament:

> In a vast country like India, with different religions, languages and customs, All-India Services play a vital role. They provide administrative stability, national solidarity, and continuity in administration. They also act as invisible catalytic agents in strengthening national integration. With their broader outlook, these services also provide a bulwark against the forces of disruption, parochialism and regionalism. (Katyal 1980, p. 4)

* Delhi, which was originally designated as a union territory, now enjoys the status of a state.

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As it is impossible to cover all of the civil services in India, this study confines itself to the IAS, whose importance may be explained thusly (Tummala 1994):

- On January 1, 2010, with an authorized strength of 5,689, of which 4,534 were filled, the IAS is the elite corps, at the top of all administration.*
- As direct recruits from all over India, and promotees from the state cadres, they occupy the highest administrative positions at the policymaking level while heading the various administrative apparatus of various ministries and departments.
- As district collectors, they head the administration at the substate level. They also chair the committees of *Zilla Parishad*s (elected bodies at the local district administration level).
- At times they head public enterprises (commercial entities of government) and other statutory bodies. Lately some have been appointed to head universities.
- Along with the IPS (who serve as heads of police, among other positions), they serve a crucial role for the successful functioning of all national development and integration activities.
- Elite and permanent employees, they are indispensable in not only advising the transient, elected ministers in policymaking, but also are crucial in administering all the developmental projects.
- They carry on the ICS tradition, albeit with some important modifications, and thus set the tone for the entire administration in the country.
- There is in fact an all-pervasive influence of the IAS culture, which at times is termed "IAS lobby"—not necessarily a compliment but a reflection of their strength and importance.
- Almost every Indian child is goaded by parents to aspire for the IAS, although lately private sector jobs are more attractive and preferred for fat pay and for not being subjected to the continuous pinpricks inflicted by the elected ministers and other politicians. But none comes closer to the IAS for prestige and élan.

### *8.5.2 The Chief Personnel Agency and the UPSC*

There was some confusion about who constituted the chief personnel agency in India. Initially, the Home Ministry of India served in this capacity while sharing some of its powers with the Establishment Division of the Ministry of Finance. In 1964, the Department of Administrative Reforms was created within the Home Ministry. In April 1966, the Estimates Committee recommended that a single agency be given the control over personnel, which was endorsed by the first ARC by recommending the creation of a separate Department of Personnel. This was done in 1970. But in 1984, a new Ministry of Personnel, Public Grievances and Pensions, was created and is the current chief personnel agency for the Government of India.

However, actual recruitment and selection to the several civil service positions, as well as disciplinary matters, are the domains of a staff agency, the UPSC. Unlike the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB)—both statutory bodies—in the United States, the UPSC in India is a constitutional body. Article 315 establishes the UPSC, whose members (varying in number from time to time) are appointed by the president of India. To uphold the integrity and protect its independence, each member of UPSC is appointed for a six-year term or is subject to an age ceiling of 65 (whichever comes first). While the members are

* Immediate post-independence authorized strength in 1951 was 1,232. Of these, 957 were filled, 336 of whom were former ICS officers. See the Ministry of Personnel, Public Grievances and Pensions, *Annual Report,* 2009–2010 (online: http://www.persmin.gov.in), p. 21.

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eligible for appointment as chair (during their term of office), the chair and the members are not eligible for appointment for any other office of the government once out of the UPSC. The chair and any other member may be removed from office for misbehavior only by the president of India after an inquiry is made by the Supreme Court of India. The president alone can remove the chair or any member when judged insolvent, or is found to have engaged in any outside paid employment during the term of office, or is believed to be unfit to continue in office by reason of infirmity of mind or body (Article 317).

Article 320 defines the power of the UPSC "to conduct examinations for appointments to the services of the union and the services of the state, respectively." It is in charge of recruitment and selection of personnel for both the All-India Services and a whole host of nontechnical central services (more than 20 in all, divided into technical and nontechnical cadres) to fill the annual need as requested by all ministries and departments. There are other staff selection commissions in each of the ministries controlling the lower level and other technical services personnel. Article 316 similarly empowers the governor of each state to appoint a state public service commission. However, it must be noted that only the state legislatures and the Union Parliament are empowered (Article 309) to regulate recruitment and other service conditions of civil servants; the respective governments (i.e., the executive) cannot amend or supersede the legislative decisions. At the state level, the entire civil service cadre is headed by a chief secretary, who invariably is an IAS officer, just as most other administrative heads of ministries are.

At the center, the cabinet secretary is the senior-most IAS officer. All ministries and departments are also headed by IAS officers. Hence, the UPSC is recognized for its exalted position. Despite a few lapses (of leakage of examination questions or entertaining undeserved candidates with false birth certificates claiming Scheduled Tribes [ST]/Scheduled Castes [SC] status), the UPSC is known for its integrity to the extent that one of its former secretaries, P.C. Hota (himself an IAS officer) observed that "even the worst critics of the higher civil services would concede that the competitive examination and interview based selection process for the AIS (All-India Services) is fair and merit based" (Hota 2010). But this is not left uncontested. In keeping with the trend of new public management since the 1990s, some of the private sector entrepreneurs were highly critical, arguing that the UPSC and its methods are outdated (Tangirala 2010).

### *8.5.3 Recruitment and Selection*

Given the importance of the civil service, a large number of candidates started applying for the CSE, with their enthusiasm surpassing their academic accomplishments (see the charts below). To weed out unqualified candidates, the UPSC, sometime around 1979, divided the original single written examination into three parts: Part I, the preliminary; Part II, the main; and Part III, an oral examination. As of January 2012, while retaining the three parts, some changes were made. For one, Part I previously included a test in a regional language of choice (out of the 18 recognized by the constitution). This was dropped. Also, the preliminary examination was changed to an aptitude test consisting of two objective tests at matriculation (high school) level, general studies, and one optional (chosen from among 23 specialized subjects of the candidate's choice). Based on the results of Part I, candidates are chosen to appear for the main (Part II) written test (in essay format). The number of candidates chosen for the main examination is about 20 times more than the anticipated number of vacancies. This part consists of the following: one examination in general essay, two in general studies, and four–one of each of any two special subjects chosen out of a long list of subjects (normally offered in universities). The standard of these

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examinations is set at slightly less than the master's level but a little higher than the bachelor's level (which is commonly known as the honors level). These examinations are meant "to assess overall intellectual traits and the depth of understanding … rather than merely the range of … information and memory."* Candidates who are successful in Part II written examinations are given the Part III oral examination. The cumulative score decides the ranking of the selected candidates who are picked from the top to fill the available positions. Note that the aptitude test scores do not count. Also, if one cannot be placed in a certain year, he/she may have to start all over again, the subsequent year.

Initially, there were certain age limits set to take these examinations: A candidate had to be between 21 and 24 years old. The number of attempts to take the examinations was also restricted to two. Given the largely generalist nature of the civil service, and the fact that candidates were from different academic backgrounds, two assumptions were made: (i) catch the candidates while they were young and still in a learning mode so that they could all be trained further and (ii) a candidate taking the examinations more than twice would get used to the examination process, and the result would not necessarily be reflective of his or her academic accomplishments. Over time, this changed based on new assumptions. Annually, besides the general merit category (open to candidates belonging to all communities), a certain quota of the positions considered "reserved" (see below) must be filled by candidates belonging to SC, ST, and Other Backward Classes (OBCs). Given their inability to compete within the general merit category (due to their poor education and upbringing), and the constitutional dictates of encouraging these "classes," it was thought that they should be allowed more chances at the examinations. Thus, the number of attempts to take the examinations became crucial. Presently, candidates taking the examinations must have a university degree and be 21–30 years old. The upper age limit is relaxed for SC/ST candidates by 5 years (i.e., 35 years) and for OBCs by 3 years (i.e., 33 years). Within those age limits, the number of attempts allowed for the general category is restricted to four, while the OBCs are allowed seven with no limits for SC/ST candidates.

It should be noted that other than those selected by examination, there are promotions to the two All-India Services from state cadres. In 2009, of the total 846 candidates considered for promotion, 189 were inducted into the IAS and 68 into the IPS (and 44 into the Indian Forest Service).†

Tables 8.1 through 8.4 show the candidates from all communities who applied and appeared for the preliminary examination to be closer to the mean. But the ratio between those appearing and those qualified shows some deficiency from the mean with regard to SC/ST candidates. Similarly, Tables 8.3 and 8.4 indicate that the ratio between those appearing for the main examination and those called for the interview is closer to the mean for all communities. But the ratio between those finally interviewed and recommended shows that the OBCs performed subpar, followed by the general category. However, there appears to be no dearth of candidates yearning to be civil servants (although their merit overall is another matter; there are no data comparing those recommended for the civil service with those who opted to go into the private sector).‡ The latest figures show that as many as 3,400 All-India Service slots are unfilled, with the largest being the IAS. The figures of unfilled slots are thus: IAS: 1,777; IPS: 1,255; and Indian Forest Service: 376.

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* Vide, UPSC Notification, January, 2012.

† See UPSC 61st Annual Report (2010–2011) (online at http://www.upsc.gov.in), p. 6.

‡ The latest figures from 2012 show that as many as 3,400 All-India Service slots are unfilled, with the largest being the IAS. The figures of unfilled slots are thus: IAS: 1,777; IPS: 1,255, and Indian Forest Service: 376. *Indian Express* (online: http://indiatoday.intoday.in/story/govt-mulls-options-to-fill-3400-civil-services-vacancies/1/200380.html).

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**Table 8.1 Number of Candidates Who Applied, Appeared, and Qualified for the Preliminary Civil Services Examination in 2009 by Gender**

| | *Applied* | | | *Appeared* | | | *Qualified* | | |
|---|---|---|---|---|---|---|---|---|---|
| | *Male* | *Female* | *Total* | *Male* | *Female* | *Total* | *Male* | *Female* | *Total* |
| SC | 81,215 | 22,928 | 104,143 | 38,693 | 10,550 | 49,243 | 1,567 | 186 | 1,753 |
| ST | 29,295 | 8,974 | 38,269 | 13,046 | 3,786 | 16,832 | 797 | 89 | 886 |
| OBC | 98,150 | 25,811 | 123,961 | 49,291 | 12,003 | 61,294 | 4,071 | 361 | 4,432 |
| General | 102,657 | 40,080 | 142,737 | 48,066 | 17,656 | 65,722 | 4,273 | 682 | 4,955 |
| Total | 311,317 | 97,793 | 409,110 | 149,096 | 43,995 | 193,091 | 10,708 | 1,318 | 12,026 |

*Source:* UPSC 61st Annual Report, *op. cit,* http://www.upsc.gov.in, p. 95 and p. 96, respectively.

**Table 8.2 Ratio of Applied to Appeared and Appeared to Qualified (Preliminary Examination)**

| *Community* | *Applied* | *Appeared* | *%* | *Qualified* | *%* |
|---|---|---|---|---|---|
| SC | 104,143 | 49,243 | 43 | 1,753 | 3.6 |
| ST | 38,269 | 16,832 | 44 | 886 | 5.3 |
| OBC | 123,961 | 61,294 | 40 | 4,432 | 7.2 |
| General | 142,737 | 65,722 | 46 | 4,955 | 7.5 |
| Total | 409,110 | 193,091 | 47 | 12,026 | 6.2 |

**Table 8.3 Number of Candidates Who Appeared, Interviewed, and Were Recommended in the Main Civil Services Examination in 2009 by Gender**

| | *Appeared* | | | *Interviewed* | | | *Recommended* | | |
|---|---|---|---|---|---|---|---|---|---|
| | *Male* | *Female* | *Total* | *Male* | *Female* | *Total* | *Male* | *Female* | *Total* |
| SC | 1,475 | 177 | 1,652 | 259 | 58 | 317 | 101 | 26 | 127 |
| ST | 745 | 85 | 830 | 159 | 21 | 180 | 65 | 11 | 76 |
| OBC | 3,874 | 352 | 4,226 | 754 | 109 | 863 | 224 | 49 | 273 |
| General | 4,134 | 672 | 4,806 | 837 | 234 | 1,071 | 290 | 109 | 399 |
| Total | 10,228 | 1,286 | 11,514 | 2,009 | 422 | 2,431 | 680 | 195 | 875 |

*Source:* UPSC 61st Annual Report, *op. cit,* http://www.upsc.gov.in, p. 95 and p. 96, respectively.

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**Table 8.4 Ratio Applied to Appeared and Interviewed to Qualified (Main Examination in 2009)**

| *Community* | *Appeared* | *Interviewed* | *%* | *Recommended* | *%* |
|---|---|---|---|---|---|
| SC | 1,652 | 317 | 19 | 26 | 40 |
| ST | 830 | 180 | 21 | 11 | 42 |
| OBC | 4,226 | 863 | 20.4 | 273 | 31.6 |
| General | 4,806 | 1,071 | 22.3 | 399 | 37.3 |
| Total | 11,514 | 2,431 | 21 | 875 | 40 |

As to the number of attempts to take the examinations utilized by SC/ST and OBC candidates, the data are as follows: In 2009, among SC candidates taking the preliminary examination, 3.4% of males and 1.5% of females availed eight or more chances. Among the ST candidates, 3.5% of males and 1.0% of females used the same eight attempts. Regarding the main examination, 20.8% male and 15.8% female SC candidates and 19.7% male and 9.4% female ST candidates took eight or more chances. As OBCs are not allowed more than seven chances, 9.7% males and 5.1% females took seven chances. However, data do not show how many of these candidates succeeded in being recommended for positions.*

### *8.5.4 Reservations*

"Reservations" constitute an important aspect of recruitment and selection of civil servants. Simply defined, "reservations" denote setting aside a certain quota of civil service positions that must be filled only by recognized minorities (Tummala 1994). This social engineering scheme mainly pertains to the Hindu religion (constituting 82% of the Indian population). The Hindu religion is essentially unequal, with its members hierarchically organized into four caste layers (Brahmin, Kshatriya, Vaishya, and Sudra), at the bottom of which are the casteless group, the *panchama* (literally, the fifth). Although initially this organization was an occupational categorization permitting mobility to upper echelons based on accomplishment, over time it turned out to be rigidly ascriptive in that one is born into one caste and is locked into it.

The constitution-makers, wedded to the democratic principle of equality, borrowed from the U.S. Constitution and provided for equality before the law under Article 14. Article 15 further stipulates: "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth or any of them." Article 16 extends this nondiscrimination to public employment. However, subscribing to the creation of an egalitarian, socialist society, the government decided to extend some privileges to select "classes"—SC, ST, and OBC, as seen above. The president of India is empowered to designate these classes from time to time. Note that the expression is "classes" and not castes. This conflict came to fore right away when an upper-class female, Champakam Dorairajan, was denied admission to a medical school despite her higher credentials because some slots were "reserved" for the lower classes. She challenged this as discriminatory

* UPSC 61st Annual Report, op. cit., pp. 106–107.

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(much in the same way Allan Bakke did in the United States in 1978), claiming that it violated the equality principle of Article 15. The Supreme Court of India in 1951 accepted her claim and directed that she be admitted.* Sitting on the horns of a dilemma, the then-government solved the conflict by passing the very first amendment to the constitution in the same year by adding Clause 4 to Article 15, which read: "Nothing in this article … shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes." Clause 4 of Article 16 originally read: "Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State." While this provision applied initially to original appointments, Clause 4(A) later extended it to promotions as well, confirmed by the Supreme Court in 1962 and again in 1981.† In pursuance of this principle, a quota system was established. Accordingly, in the annual intake into the civil service, 15% and 7.5% of the slots were reserved for the SCs and STs, respectively, in proportion to their population strength. The quantum of reservations for the OBCs was left initially for the states to decide. But in 1990, the Government of India, based on the 1980 Mandal Commission report, decided to extend the benefits nationally. Although all OBCs constituted nearly 50% of Indian population, the government decided on 27% reservation for the OBCs because the Supreme Court restricted the total reservation to less than 50%.‡ Although more and more castes are considered from time to time for this preferential treatment, the quantum of reservation remains the same. It must be noted that the SC, ST, and OBC candidates have the aforementioned quota of positions reserved for them, and they are also entitled to compete in the general quota and, if selected, may not be counted against the quota.

The Supreme Court of India gave its imprimatur to reservations as far back as 1963, saying that the policy is not meant to subvert the equality principle but is only an exception to it. In 1992, the court went as far as to say that equality is enhanced by preferential treatment when it stated: "Equality … is secured not only when equals are treated equally but also when unequals are treated unequally … To bring about equality between unequals … it is necessary to adopt positive measures to abolish inequality."§ Thus, this was seen as an enabling clause, although it came to be treated as an entitlement, if not a right, due to several political pressures where reservations are seen as a sure bet of obtaining political and electoral advantage (Tummala 1999).

In 2009–2010, the figures and percentages of different community candidates selected for different services stood in line with the prescribed quota (Table 8.5). In 2011, the results of which were just released, and of the total 910 selected, the category breakdown matched the previous year (with a slight difference, see Table 8.6). There are no reservations for women, although in 2011, the top two positions were secured by women. Of the total 910 selected, 715 (78.6%) were men, and 195 (21.4%) were women. Preference is also allowed for the disabled, but that number is minuscule.

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* *State of Madras v. Champakam Dorairajan* 1951 SCR 525. For an illuminating discussion of the legal issues pertaining to "reservations," see Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (New Delhi: Oxford University Press), 1984.

† *General Manager v. Rangachari* AIR 1962, SC 36; *State of Kerala v. N. M. Thomas* AIR 1976, SC 491; and *Akhil Bharatita Soshit Karmachari Sangh v. The Union of India, Railway Board* AIR 1981 SC 298.

‡ Arguing that any "unreasonable, excessive, and extravagant" reservation would restrict general competition, the court set the overall reservation to be less than 50%. *Balaji vs. State of Mysore* AIR 1963 SC 649.

§ *Indra Sawhney vs. Union of India* 1992, SCC (L&S) Supp. 1, paras 415 and 416.

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**Table 8.5 Total Figures and Respective Percentages of Each Community in Each Service (2009–2010)**

| *Service* | *General* | *OBC* | *SC* | *ST* | *Total* |
|---|---|---|---|---|---|
| IAS | 59 | 33 | 17 | 10 | 119 |
| IFS | 13 | 8 | 4 | 1 | 26 |
| IPS | 65 | 35 | 19 | 9 | 128 |
| CSS (Group A) | 215 | 120 | 70 | 34 | 439 |
| CSS (Group B) | 3 | 3 | 1 | 1 | 8 |
| Total | 355 (49.3%) | 199 (27.6%) | 111 (15.5%) | 55 (7.6%) | 720 (100%) |

*Source:* Annual Report 2009–2010, Ministry of Personnel, Public Grievance and Pensions, 2011.

**Table 8.6 Totals and Percentages in 2011 for Candidates Selected for Various Services**

| *Category* | *General* | *OBC* | *SC* | *ST* |
|---|---|---|---|---|
| Total number (%) | 420 (46.2) | 255 (28) | 157 (17.2) | 78 (8.6) |

*Source: The Times of India*, UPSC civil services exam 2011 result. May 4, 2012. http://articles.timesofindia.indiatimes.com/2012-05-04/india/31572209_1_women-candidates-top-slots-iim-and-iits

The above analysis, while showing that the prescribed quotas were met, nonetheless raises two important questions. One, what would happen if there were not enough candidates to fill the quota, and two, how far down (as merit is decided by the scores on the tests) could one go to meet the quota? In answer to the first, there have been occasions when enough ST candidates could not be found to fill the quota. The general principle observed is to carry over the unfilled quota to the following year, although it is not clear for how many years this can go on. Part of the answer for the second question lies in Article 355, which stipulates: "The claims for the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, *consistently with the maintenance of efficiency of administration*, in making of appointments to services and posts in connection with the affairs of the Union or of a State" (emphasis added). How far down one would go is a matter decided on an annual basis, given the number of positions filled. However, the slope downward is not steep, and certainly limited, albeit arbitrarily. That on occasion slots were left unfilled suggests that there is a cutoff limit below which candidates are not considered. In any case, no empirical study has been done about the efficiency of the performance of the reserved candidates, once appointed to several positions in comparison with the general merit category. But it is clear that the social experiment of inclusion of these recognized classes in public employment seems to be working.

### *8.5.5 Training*

Given the fact that candidates selected come from varying academic backgrounds, some of whom may not even have seen the Indian constitution much less studied it, it is imperative that

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the future administrators be trained. There are two other factors that buttress this argument. One, the examinations given in the selection process still are scholarly, unlike the U.S. experience of job-related testing. Two, although the generalist administrative philosophy persists, the tasks of the administrators have changed considerably, particularly since the 1990s NEP, as already seen. There is yet another overall issue in that those selected for IAS have tended to continue their superior feelings stemming out of the fact that they belong to the elite service, which hurts camaraderie among the services.

Each of the services has its own training school. The IAS officers were originally trained in New Delhi (the capital of India and the administrative hub) and Shimla. But both were merged into the newly created Lal Bahadur Shashtri National Academy of Administration (the academy) in 1959, located on the hill resort of Mussoorie. The IPS officers are trained in Hyderabad, and personnel in other central services are trained at different individual schools.

The academy serves as a foundation course for all direct recruits to the All-India Services (including the Indian Forest Service) and central services (Group A) as a professional training course for IAS, and as training for promotees from state cadres to IAS. The foundation course runs for 15 weeks, providing basic understanding of the constitution of India and also of the political, socioeconomic, and legal framework. It is also intended to establish an *esprit de corps* among all services that would facilitate later coordination among them. This part is inspired by *l'ecole nationale d'adminsitrtion* in Paris, France. Several criticisms came to the fore. For one, the French school keeps all selected civil servants trained together for 3 years, where they spend time as equals before being allotted to several ranks. But in India, the appointments to various services are already known prior to coming to the academy, which means that each candidate is already familiar with the pecking order. Moreover, it is suspect how much camaraderie among unequals could be imparted within 15 weeks. And on top of it, the very location of the academy in a remote, difficult-to-access location such as Mussoorie may lead to some feelings of detachment from the rest of the nation. More importantly, the trainers at the academy largely have been drawn from the senior administration ranks who of course not only socialize the new recruits into prevailing administrative ethos but also insulate them.

After foundation course training, the IAS officers are further trained in two phases. Phase I consists of training in their profession for 26 weeks. During the first 9 weeks, they are sent on a nationwide tour and are also attached to the three armed forces, public sector undertakings (those indulging in commercial activity of the government), private sector units, municipal bodies, volunteer agencies, and so on. The rest of their time is spent in classrooms learning professional skills needed during the first 10 years of tenure. This is followed by 52 weeks of district training, which is expected to enable the recruits to later shoulder the government in the district. On completion, the recruits return to the academy for Phase II training, where they share and consolidate their training.

Given the rank-in-person concept, as candidates keep moving up in the hierarchy while gathering experience at every stage, further in-service and mid-career training is also provided to enable them to shoulder increasing levels of responsibilities. These are provided at the field level after 7–9 years of service, the policy formulation level after 14–16 years, and the inter-sector level after 26–28 years of service. The first two last for 8 weeks, and the last for 4 weeks. Frequent in-service training of shorter duration (of 1 week at a time) is held in institutions like the Indian Institute of Public Administration. From 2009 to 2010, 19 one-week sessions were held covering topics such as the World Trade Organization, ethics, public/private partnerships, community mobilization, administrative law, environmental impacts and natural resources, and such other topics.

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### *8.5.6 The Administrative Behavior and Behavior of Higher Civil Servants*

The Weberian concept of neutral bureaucracy is an accepted norm in India, although to use the British expression, it tended to be a "half truth." Given the changes in government, the predominance of coalition governments since the late 1960s, rise of regional parties, and the decline of the Congress Party, higher civil servants had to learn the lessons of working with different/changing political parties in power while continuing to accept the principle that the political executives—the elected ministers—who head ministries and departments are the masters whom they serve.

The attitude and behavior of the higher civil servants vis-à-vis the citizen taxpayer is important in the ultimate analysis, as are the people they serve. As already noted, the behavior initially was that of benevolent despotism. Since independence, it turned out to be what had commonly come to be known as the *maa baap* (mother and father) model. The relationship here is rather paternal—we know what is best for you! By 1969, the then Prime Minister Indira Gandhi sought to control the government and the nation and commented that the civil servants ought to be cognizant of the party in power, thus advocating a "committed bureaucracy" (Tummala 1981). Although it was never elaborated conceptually to what and to whom this commitment should be, critics argued that she was seeking commitment to the Congress Party that she led, and to herself. This she denied.*

The very philosophy of "democratic socialism," which led to the capture of the "commanding heights" of the economy, also led to what came to be known as "license raj," a regime where a license was needed for all sorts of entrepreneurship. This in itself gave enormous opportunities for corruption, as the civil servants pulled most strings, even taking the client as a hostage until a bribe is paid for clearing a license. Consequently, several anti-corruption measures were taken with the establishment of several institutions, without much success. There are several reasons for this, such as the lack of political will, use of the anti-corruption agencies by the government of the day for its own ends, and more importantly, the very tolerant Hindu culture (Tummala 2002). Moreover, to prevent unhealthy political repercussions, a civil servant cannot be dismissed by an authority lower than the one making the appointment (which means the president at the center and the governor at state level), according to Article 311. Also, there is the stipulation that to prosecute a civil servant, permission must first be obtained by the parent ministry/department, a rather tedious process that tended to insulate the errant in a way. With the inauguration of NEP and the decline of the political class to the point where the Election Commission called the lawmakers law-breakers, accumulating wealth became the norm regardless of how it was accumulated, and also led the political masters and the administrators to join hands in corrupt practices. Moreover, accumulation of wealth is nothing new in the Hindu culture. One of the most venerated goddesses is the goddess of wealth, Lakshmi. This led a western couple, who are also devoted Indian researchers, to name one of their books after Goddess Lakshmi (Rudolph and Rudolph 1987).

The fact that service conditions of All-India Service personnel are controlled by the center and that they are nominated/deputed/seconded to the several posts in states, leads to some aberrations. One, when the Home Ministry posts an IAS/IPS officer to a state, the concerned state government (read the chief minister) is normally consulted in regard to whether the person is acceptable. At times, appointments are made without consultation, and on occasion much against the local wishes. Such an appointee is looked at with suspicion by the state, much to the detriment of efficient administration. Two, due to frequent changes in the state governments, an official who found favor with a government is invariably, and perhaps understandably, moved out when a new government takes office. Mass transfers are made often enough, and routinely, which led to the argument

* Tummala's interview with Indira Gandhi, July 11, 1978.

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that there must be a minimum term in office before one is transferred. Third, frequent transfers are not simply a punishment for the officer but also a trauma to the officer's family. Instead of going through this kind of discomfort, it is easy for the officer to acquiesce to all sorts of political demands and even join hands with the political masters to make life pleasant and even bountiful.

On the positive side, it is noted that there has been a sea change in general in Indian society. To list a few, the distance between the ruler and the ruled has shortened, standing in the way of despotism, benign or not. The awe once inspired by the civil servant or politician is gone. People have become active to the point where they are throwing shoes at both politicians and administrators in open meetings (a gesture that is an utter disgrace in the Indian culture). There is the new public interest litigation (PLI), which permits anyone to drag any official to court. Further, the newly conferred right to information helps in this context. There is an active judiciary and more active investigative journalism, such as *Tehelka,* dealing with and exposing corruption. Yet corruption is ubiquitous and endemic. The Government of India itself finally admitted this scourge. The Ministry of Personnel observed in a background paper it prepared in 2012 that graft is prevalent at all levels of government. It read: "At senior levels, it (corruption) is usually a result of strong nexus between politicians and civil servants and, at lower levels, it is a result of poor systems and ill-defined public service levels."* In an effort to combat this, a civil society movement led by Anna Hazare has been fighting for the creation of the office of Lokpal (an ombudsman at the national level) since 2011, a move started 44 years ago. So far, no ombudsman has been created, although various states have their own Lokayukta with a rather spotty record.

## 8.6 Conclusion

To conclude, borrowing from the famous title of a book by the first prime minister of India, Jawaharlal Nehru, Whither India's administration? Looking into the new millennium, much of the administrative structure has remained the same with IAS at the apex, and its privileges being guaranteed (Tummala 2001). In one sense, the steel frame of India has remained intact so far as the original civil service continued as a bulwark of India's administration. In a different sense, the higher civil service has changed and adopted well and coped a great deal as the very philosophy of state morphed from democratic socialism into a more liberalized economy. It helped herald an economic giant, a nuclear power, and an information technology (IT) powerhouse. Indians are living longer and healthier. Despite all criticisms, there is no dearth of aspiring civil servants, as may be seen from the growing number of candidates taking the CSE. Even with the diminution of prestige, many are coming into the civil service. But their behavior, once in office, has changed considerably, causing a great deal of consternation. There are concerns that collusion between politicians and administrators results in burgeoning corruption.

Also, most of the reforms recommended have not been implemented, and the reports themselves tend to gather dust for two reasons: the governments, more so the coalition governments (which now is the new norm), have been preoccupied about being in office rather than exercising power,† and there has been resistance from the so-called "IAS lobby" whenever its privileged position has been threatened.

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* "Government Paper Admits Corruption at All Levels in Civil Service" includes excerpts from the background paper for meeting chaired by the prime minister (online, http://indiatoday.intoday.in/story/government-paper-admits-to-babu-and-politician-nexus/1/184403.html, April 14, 2012).

† The expression is borrowed from A.J. Cronin, *The Stars Look Down* (New York: Little, Brown and Company, 1935).

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In a prize-winning essay, a former IAS officer who also served as secretary to the UPSC wrote a near epitaph:

> (T)he civil servants will have to be much more professionally competent, upright, sensitive and action oriented…. Besides a conscientious introspection by the civil servants, a multi-pronged reform strategy may save the day and restore the rightful status of this important arm of government. (Hota 2010, p. 189)

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## References

Alexandrowicz, C.H. (1957). *Constitutional Developments in India*. Bombay: Oxford University Press.

Annual Report 2009–2010. (2011). Ministry of Personnel, Public Grievance and Pensions. Available at http://www.persmin.gov.in.

Appleby, P.H. (1957). Public administration in India: Report of a survey. New Delhi: Government of India.

Chaturvedi, T.N., & Maheshwari, S. (1984). *Administrative Reforms*. New Delhi: Indian Institute of Public Administration.

Hanumanthaiya, K. (1970). *A Brief Survey: The ARC and Its Work*. New Delhi: Government of India Press.

Hota, P.C. (2010). The Civil Service, Past, Present and Future. *The Indian Journal of Public Administration*, *56*(2): 189–201.

Katyal, K.K. (1980). Catalytic agents for national integration. *The Hindu International Edition* (23 August 1980).

Maheshwari, S. (1972). *The Administrative Reforms Commission.* Agra, India: Lakshmi Narain Agarwal.

Panagariya, A. (2008). *India: The Emerging Giant*. New York: Oxford University Press.

Rao, B.S., Menon, V.K.N., Kashyap, S.C., & Iyengar, N. (1968). *The Framing of India's Constitution*. Indian Institute of Public Administration. Bombay: NM Tripathi.

Rudolph, L.I., & Rudolph, S.H. (1987). *In Pursuit of Lakshmi: The Political Economy of the Indian State*. Chicago: University of Chicago Press.

Shukla, J.D. (1982). *Indianisation of All-India Services and Its Impact on Administration*. New Delhi: Allied Publishers.

Tangirala, M.P. (2010). UPSC: Civil Services Examination and beyond. *The Indian Journal of Public Administration*, *56*(4): 920–932.

Tummala, K. (1981). Higher civil service in India: "Commitment" or establishment. *Politics, Administration and Change, 6*(2): 17–40.

Tummala, K.K. (1979). *The Ambiguity of Ideology and Administrative Reform*. New Delhi: Allied Publishers.

Tummala, K.K. (1996). The Indian Union and emergency powers. *International Political Science Review, 17*(4): 373–384.

Tummala, K.K. (1994). *Public Administration in India*. New Delhi: Allied Publishers.

Tummala, K.K. (1999). Policy of preference: Lessons from India, the United States, and South Africa. *Public Administration Review, 59*(6): 495–508.

Tummala, K.K. (2001). The Indian administrator in the new millennium. *Asian Journal of Political Science, 9*(1): 49–65.

Tummala, K.K. (2002). Corruption in India: Control measures and consequences. *Asian Journal of Political Science,10*(2): 43–69.

Woodruff, P. (1964). *The Men Who Ruled India: The Guardians*. New York: Schocken Books.

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# *Chapter 9*

# e-Government in India

Mohammed Badrul Alam

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## 9.1 Introduction: e-Governance: An Indian Perspective

With the onset of globalization and the digital revolution, India has joined the global movement toward providing its billion-plus citizens a better choice in the form of an e-government that is committed to citizen welfare and development on a fast-track basis. The concept of e-governance had its origins in India during the 1970s with a focus on development of in-house government applications in the important core areas, such as defense, economic monitoring, planning, and the deployment of information technology (IT) for managing data-intensive functions related to elections, census, tax administrations, and so on. The effort of the National Informatics Centre (NIC) to connect all the district headquarters during the 1980s was a very significant development. From the early 1990s, IT was supplemented by information and communication technology (ICT) for extending its use for wider sectoral applications with policy emphasis on reaching out to rural areas where the majority of the population reside, taking in greater inputs from nongovernmental organizations and the private sector as well. There has been a greater involvement of international donor and aid agencies under the aegis of e-governance

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for development of e-governance laws and technologies in developing countries such as India (Thapliyal 2008).

In India, like the central government, various state governments have also endeavored to use ICT tools for connectivity, networking, setting up systems for processing information, and delivering services with emphasis on automation and computerization. Even at the district and other micro levels, ICT tools have been used for IT automation in individual departments; electronic file handling and workflow systems; access to entitlements; public grievances systems; service delivery for high-volume routine transactions, such as payment of various bills; tax dues to meet poverty alleviation goals through the promotion of entrepreneurial models; and the provision of important market information. The focus has centered on initiatives enabling the citizen–state interface for various government services and for ensuring better and more meaningful livelihoods. Every state government in India has taken the initiative to form an IT task force to outline IT policy documents for the state, and the citizen charters have been formulated and placed on government Web sites. For governments, with the shift from motivation to manual processes to IT-enabled processes, the objective of the government has been to enhance efficiency in administration and service delivery and make it a worthwhile investment for future generations (Gupta and Bagga 2008; Kanungo 2004; Madon 2009; Pardhasaradhi et al. 2009; Tripathi 2007).

## 9.2 Scope of e-Governance in India

e-Governance is the use of information and communication technologies to support and usher in good governance in India. The main dimensions of e-governance are discussed in the following sections.

### *9.2.1 Government-to-Citizen (G2C)*

G2C aims to connect citizens to government by contacting citizens directly and ensuring accountability, by listening to citizens and supporting democracy, and by improving public services. It involves better services to the citizens through single-point delivery mechanisms and involves areas as follows.

#### *9.2.1.1 e-Citizen*

Under e-citizen, integrated service centers have been created. The purpose of these centers is to take over the various customer services and develop them to their optimum potential. e-Citizen offers services like issue of certificates, ration cards, passports, payment of bills and taxes, and so on. These centers have become one-stop government shops for delivery of all basic services.

#### *9.2.1.2 e-Transport*

The transport aspects that are e-governed include registration of motor vehicles of all sorts, issue of driving licenses, issue of plying permissions (permits), tax and fee collection through cash and bank *challans* (cash receipts that are provided by a bank or other institution), and control of pollution. The key objectives of e-transport are to control cash flow and provide a range of bases that will accrue net profits as well as to create an ideal infrastructure that links technologies, business processes, and customer satisfaction.

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#### 9.2.1.3 e-Medicine

e-Medicine involves linking various hospitals and health centers in different parts of the country for providing better, more affordable medical services to citizens. Under e-medicine, trained computer professionals will provide virtual classes for medical staff and offer online consultations. Patients in rural India will get appropriate medical advice from doctors working in urban India through satellite and fiber-optic connections.

#### 9.2.1.4 e-Education

e-Education constitutes various initiatives for educating the citizen and the government with the various information technologies. It includes setting up of virtual e-learning centers geared toward formulating innovative academic programs, promoting collaborations for distance education, coordinating special action plans, and strengthening the curriculum mechanisms. Focus areas that are being envisaged under e-education include vocational education, gender empowerment, food and nutritional security, health sciences, and the liberal arts.

#### 9.2.1.5 e-Registration

Through e-registration, the transfer of properties and payment of stamp duty have been simplified. It has led to significant reduction of paper work and unnecessary duplication of entries. Furthermore, e-registration has led to transparency in revenue office and drastic reduction in the overall time needed for processing of registration deeds.

### 9.2.2 Consumer-to-Government (C2G)

C2G mainly constitutes the areas where the citizen interacts with the government. It encompasses areas such as state-conducted elections in various Indian states, when citizens vote at various levels for the government; the census, where the citizen provides information to the government; and taxation, where the citizen pays legitimate taxes to the government.

#### 9.2.2.1 e-Democracy

A paradigm shift in the role of the citizen, from passive information provider to proactive involvement is termed as e-Democracy. In an e-democracy, the government informs the citizen, represents the citizen, encourages the citizen to vote, consults the citizen, and engages the citizen in governance as an important stakeholder. The citizens and the political class engage in e-debate wherein citizen input and feedback to various government policies are taken into active consideration. The citizens give their opinions on the various policies of political parties and particularly the manifesto of the individual party. The initiative further strengthens the process by enhancing the representative role, improving accessibility of citizens to their elected members, and developing the capacity of elected representatives to engage in e-government as a copartner. Elected members are also provided with access to the local authority's Intranet and e-mail systems so that they become available online for decision making and so that people can easily access them to air their grievances and seek redress. A successful example of e-democracy was on display during the May 2004 national election in India when 380 million Indians cast their votes on more than 1 million machines. It was the largest experiment in electronic voting, and, although not fully perfect, it was widely considered a significant milestone.

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### 9.2.3 Government-to-Government (G2G)

This can also be referred to as e-administration. It involves improving government processes by cutting costs, by managing and improving performance, by making strategic connecting links within government, and by creating empowerment. It involves networking all government offices to produce proper synergy among them. The major areas are as follows.

#### 9.2.3.1 e-Secretariat

e-Secretariat is the seat of power and has a lot of valuable information regarding the functioning of the state. The inter linking of various departments and exchange of information among various components simplify the process of governance and has led to good governance. In some states, such as Jharkhand, e-secretariats are being established in all village administrative offices across the entire state. It is being done to encourage e-governance mechanisms and usher in knowledge centers at the level of grassroots administrative units.

#### 9.2.3.2 e-Police

e-Police assists in building citizen confidence. There are two databases: one deals with police personnel, and the other includes information on criminals. The database of personnel has records of their current and previous postings. This helps in tracking policemen and law enforcement officials specialized in certain geographical regions and skills. Within seconds, the database gives the list of all forensic experts. The same database provides the track of their details such as service record, family background, and so on, which is helpful in apt posting and promotion of police personnel. In the e-dossier of criminals, just by inputting the name of a criminal, a police officer will be able to know the details of his/her criminal history, including his/her modus operandi and area of operation. Further, e-dossiers and e-complaints help all police stations to apprehend criminals with ease, as all police stations have simultaneous access to the criminals' records. The module will also include G2C activities like online filing of FIR (first information report) and finding the case status of an FIR. Creating a database of Lost and Found can assist in finding missing valuables and individuals. Similarly, e-dossiers of forensic experts can help locate a forensic expert who could be called at short notice to handle sensitive cases in the police department.

#### 9.2.3.3 e-Court

The huge backlog of pending court cases in India has brought an unnecessary burden on the legal system. IT has transformed the system by bringing in the court cases to a level of zero dependency by computerizing the judicial processes and by implementing the ICT system in the courts. IT, through the e-court, helps in avoiding all appeals to high courts and the Supreme Court, as judges can access appeals online, which means that a higher court can give its decision online based on the recorded facts of the case even when the case remains in the jurisdiction of the district court. Such a step not only helps the citizens but also reduces the backlog of cases. Further, the use of IT in areas such as recording of court proceedings, high-resolution remote video to identify fraudulent documents, live fingerprint scanning and verification, remote probation monitoring, and electronic entry of reports and paperwork further speeds up the court proceedings.

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#### 9.2.3.4 Statewide Networks

This involves linking all the departments of the government with various district headquarters and the state capitals, facilitating the flow of information between the various state departments and its constituents at multiple channels. For example, electronic voting machines (EVMs) are being used at all levels of elections in India from the national to the grassroots under the auspices of the Election Commission of India. Here, various blocks are linked to district headquarters, district headquarters to state headquarters, and state headquarters to the national capital for developing a viable network system and for ushering in a good governance mechanism (Sachdeva 2002).

## 9.3 Challenges to Good e-Governance

### 9.3.1 Lack of Adequate Awareness on e-Governance and Its Uneven Nature

There has been insufficient and uneven awareness in the public domain across various parts of India regarding the benefits of e-governance as well as the process involved in implementing successful G2C, G2G, and C2G projects. In some states, such as Haryana, Gujarat, Karnataka, and Andhra, there is a high level of awareness of these programs, whereas in states in the northeast and in eastern and central India, the progress has been tardy. The highly centralized and hierarchical administrative structure is also not suited for maintaining, storing, and retrieving the governance information electronically. The general tendency has been to obtain the data from the files (print) on an as-needed basis rather than using document management and workflow technologies. In recent times, the use of document management system (DMS) and workflow technologies has been able to find its use only in those departments where there is perceptible reduction of workload of the subordinate staff.

### 9.3.2 Minimal Use of Existing ICT Infrastructure

In most cases, the computers in a department are used only for word processing, resulting in the underutilization of the computers in terms of their optimum use in data mining for supporting management decisions. Often, the time between the procurement of state-of-the-art hardware and the development of custom applications is so fast-changing that by the time the application is ready for possible use, the hardware becomes obsolete and outdated and newer versions are needed.

### 9.3.3 Attitude Problem of Government Employees

In general, the psychology of government employees and the nature of government jobs are quite different from that of private, corporate sectors. Traditionally, government workers have been the prime custodian and preserver of government data. Thus, any effort to implement DMS and workflow technologies and any change in the system are met with stiff resistance from government employees for fear of retrenchment and loss of secure government jobs due to automation. Although this attitude is changing due to higher salaries and better service conditions for government officials in recent times, the mindset to fully embrace ICT techniques remains stagnant.

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### 9.3.4 Lack of Proper Coordination between Government and Solution Developers

Designing any application requires a very close interaction between the government department and the agency developing the solutions. At present, the users in government departments have not been proactive enough in designing the solution architecture. As a result, the solution developed does not address the fundamental requirements of an e-governance project and hence does not get implemented.

### 9.3.5 Shortcomings of Re-engineering the Administrative Processes

Successful implementation of e-governance projects requires major restructuring in administrative processes and redefining of administrative procedures and formats, which find stiff resistance in almost all administrative units at all levels. Furthermore, there is a lack of expertise on part of departmental management information systems (MIS) executives in exploiting data mining, which is extracting knowledge from a data set in a prepared structure and involves database, data management, and data preprocessing techniques. Therefore, the content collected or maintained by various e-governance portals fails the vital reliability test. In such a situation, any e-governance solution or remedy does not achieve its intended results.

### 9.3.6 Inadequate Infrastructure for Sustaining e-Governance Projects at the National Level

Adequate and proper infrastructure for supporting e-governance initiatives does not exist within government departments. These departments are not suitably equipped to be in a position to project the clear requirements nor are there any guidelines for involving private stakeholders. The infrastructure development is not guided by a uniform national policy but is dependent on the needs of individual officers championing a few projects. Therefore, the required networking and communication equipment is nonexistent in government departments and does not serve any tangible purpose as far as the requirement of e-governance project is concerned. Connectivity options provided by government agencies, such as National Informatics Centre Network (NICNET) are used in a very restricted manner for data transmission between various locations, such as the district, state, and center and are primarily used only for purposes of e-mail and Internet. Similarly, although the Department of Information and Technology of the Government of India makes efforts to have a single window of services in terms of electronics and industry, cyber laws and security, knowledge management, e-governance, infrastructure and governance, research and development, and so on, the desired result is yet to materialize at the local level in any optimal way.

It is true that most state governments have formed IT task forces and have IT policies in place. Although these policies have goals and vision statements, much seems to have happened only in automation and computerization. The drawback is that these IT policy documents are made based on the requirements and inherent capabilities of individual states but rely on the surveys and strategies used successfully by other countries or other states. Though it may be prudent to adopt and in some cases replicate successful e-governance strategies of other Indian states and countries, it is equally important that state governments customize their policies after a careful study of the parameters applicable to the particular state in question as per its local needs and priorities (Kanungo 2004; Madon 2009; Tripathy 2007).

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## 9.4 The National e-Governance Plan and the History of IT in India

To provide the benefits of ICT to its billion-plus citizens and to ensure transparent, timely, and hassle-free delivery of citizen services, the Government of India initiated an e-governance program in the late 1990s. As a further follow up, the union government approved the National e-Governance Plan (NeGP), comprising 27 Mission Mode Projects (MMPs; encompassing 10 national MMPs, 10 state level MMPs, and seven integrated MMPs covering various ministries and departments of the Government of India) and eight components on May 18, 2006 (this was re-validated by the Eleventh report of the Second Administrative Commission of the Government of India on December 20, 2008) to give a boost to e-governance initiatives in India (see Table 9.1). Specifically, the Department of Information Technology (DIT) and the Department of Administrative Reforms and Public Grievances (DAR&PG) have formulated the NeGP. It is too early to tell how these initiatives launched by the Government of India are working.

### *9.4.1 The Vision of the NeGP*

The NeGP has been initiated by the Government of India with the aim of improving delivery of government services to citizens and business sectors. It is guided by the following vision: (1) making all sorts of public services accessible to the common person in his or her locality; (2) providing access through common service delivery outlets and ensure efficiency; and (3) promoting timeliness, transparency, and reliability of such services at affordable costs for realizing the basic, minimum needs of the average citizen.

The vision statement clearly underscores these priorities of the government in fostering good governance.

**Table 9.1 Mission Mode Projects (MMPs) under e-Governance**

| *Central MMPs* | *State MMPs* | *Integrated MMPs* |
|---|---|---|
| Banking | Agriculture | CSC |
| Central Excise and Customs | Commercial taxes | e-Biz |
| Income tax (IT) | e-District | e-Courts |
| Insurance | Employment exchange | e-Procurement |
| MCA21 | Land records | Electronic Data Interchange (EDI) for e-trade |
| National citizen database | Municipalities | National e-governance service |
| Passport | Gram panchayats | Delivery gateway |
| Immigration, visa and foreigners' registration and tracking | Police | India portal |
| Pension | Road transport | |
| e-Office | Treasuries | |

*Source:* Ministry of Communications & Information Technology, Mission mode projects. http://www.mit.gov.in/content/mission-mode-projects, accessed on March 9, 2012.

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#### 9.4.1.1 Issue of Access

The vision has been designed keeping the huge rural population in mind. The need is to reach out to those marginalized sections of society that have remained peripheral to the government sphere due to various reasons, such as geographical, social, and economic challenges and a lack of awareness. The NeGP has a provision for State Wide Area Network (SWAN) to connect all the government offices up to the block level and Common Service Centers (CSCs) for accessing citizens from rural areas and the countryside.

#### 9.4.1.2 Common Service Delivery Outlets

Citizens, especially those living in remote rural areas, have to travel long distances to use a service through a government department or its local offices. This entails lot of time and cost for the common man to access citizen-centric services. To overcome this hardship, as a part of the NeGP vision, one computer and Internet-enabled CSC is envisaged to be set up for every six villages in India so that villagers (where the bulk of the population resides) can easily use these basic services. These CSCs located in designated villages are envisaged to offer online integrated service delivery on an "anytime, anywhere" basis.

#### 9.4.1.3 Embracing an e-Governance Model for Improving Governance

The use of ICT will enable government to reach its citizens, thereby ensuring good governance. This will also enable significant improvement in the monitoring and implementation of various government schemes and projects with the net result being bringing accountability and transparency to government.

#### 9.4.1.4 Improve the Overall Quality of Life of Citizens

e-Governance would help in attaining this objective through the provision of citizen-centric service delivery at a nominal, affordable cost, thereby providing better turnaround times and convenience in demanding and availing services. Hence, the vision is to use e-governance as the channel for governments to strengthen good governance at all levels. All services provided through the various e-governance initiatives are expected to assist the governments at the central and state levels in reaching out to a wide spectrum of people through proactive participation in the government processes. By empowering underprivileged people, it will lead to poverty reduction and bridge the social and economic divide.

#### 9.4.1.5 Implementation Tools for the NeGP

A realistic approach, therefore, is proposed for the NeGP, which is based on lessons learned from the past and experiences of successful e-governance mechanisms that have been implemented nationally and internationally. The approach and methodology adopted for the NeGP contains the following elements.

#### 9.4.1.6 Common Infrastructure Arrangements

NeGP implementation involves setting up of common and support IT infrastructure such as SWANs, State Data Centers (SDCs), CSCs, and electronic service delivery gateways.

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#### 9.4.1.7 Governance

Appropriate arrangements have been set up for proper monitoring and coordinating of the implementation of the NeGP under the direction of the designated authorities. The program also involves laying down standards and policy guidelines, providing technical and logistical support, undertaking capacity building, and doing research and development. The DIT supports itself and various institutions such as the NIC, Standardization, Testing and Quality Certification (STQC), the Centre for Development of Advanced Computing (C-DAC), the National Institute for Smart Governance (NISG), and so on to play these roles effectively and with maximum potential so as to impart tangible benefits to citizens in a timely manner.

#### 9.4.1.8 Centralized Initiative, Decentralized Implementation

e-Governance is being promoted through a centralized initiative (the Department of Information and Technology) to the extent necessary to ensure citizen-friendly orientation, realize the objective of interoperability of various e-governance applications, and ensure optimal utilization of ICT infrastructure and resources while at the same time allowing for a decentralized implementation model for guaranteeing maximum flexibility. It also aims at identifying successful projects and replicating them with required customization wherever needed.

#### 9.4.1.9 Public–Private Partnership (PPP) Model

This is envisaged to be adopted wherever feasible for enlarging the resource pool without compromising on the security aspects.

#### 9.4.1.10 Integrative Elements

Adoption and promotion of unique identification codes especially designated for citizens, businesses, and property for facilitating integration and avoiding ambiguities and irregularities.

#### 9.4.1.11 Framework for the NeGP

Considering the multiplicity of agencies involved in the proper and timely implementation of the NeGP, it was conceived as an inclusive program with clear, well-defined roles and responsibilities of each agency as important stakeholders and for creating an appropriate program management structure. The NeGP aims at improving the quality, accessibility, and effectiveness of various government services to citizens with the help of ICT. The NeGP attaches high priority in areas such as government process re-engineering, capacity building, and training assessment and awareness. The NeGP thus intends to substantially increase the pace of e-governance activities at the federal as well as the state level. The key components and features of the program management structure have been continuously monitored by the national government.

#### 9.4.1.12 The Strategy for Service Delivery

A common digital service delivery infrastructure consisting of the SWAN, the SDC, the National/State Service Delivery Gateway (NSDG/SSDG), the state portal, and the CSC has been established in every state and union territory to ensure seamless and single-window delivery of necessary public services to the citizens.

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#### 9.4.1.13 National e-Governance Division

The Department of Information Technology, Government of India, has formed the National e-Governance Division (NeGD) as an autonomous enterprise within Media Lab Asia under the Ministry of Communication and Information Technology, Government of India, for assisting the Department of Information Technology in the program management of the NeGP. The NeGP actively supports the Department of Information Technology in the following tasks:

- Facilitating implementation of MMPs by various line ministries/state governments
- Providing necessary technical assistance to central ministries/state line departments
- Acting as secretariat to the Apex Committee undertaking technical appraisal of all NeGP projects
- Dispatching state e-mission teams to support states in NeGP implementation.

#### 9.4.1.14 Capacity Building

The NeGP is a large and ambitious enterprise covering 20 central departments, 35 states/union territories, 360 departments across these states/union territories (UTs), and nearly 500 implementation agencies. In all, it is expected to require 70,000 man-years of effort. Therefore, for the NeGP to realize its goals, the capacity gap has to be addressed by engaging experts, developing skills, and imparting training. A capacity-building scheme is aimed at addressing the above challenges in a holistic manner, including support for the creation of State e-Governance Mission Teams (SeMT), Project e-Governance Mission Teams (PeMT), and human resource management. This scheme is also meant for initiating various activities, such as the empanelling of candidates, facilitating states in recruitment, providing orientation and sensitization at various levels of leaders/officers involved in e-governance project implementation, orientation for SeMT, and specialized training with centralized curricula and content development for various officers at program and project levels. In general, it is envisaged to fill in the three specific capacity gaps in the states:

- Lack of personnel with appropriate technical background and aptitude
- Inadequate skill sets of personnel already hired
- Lack of appropriate institutional mechanism to handle the specific program

*Source:* The Department of Information Technology, e-Governance Knowledge Exchange, National Institute for Smart Governance, Delhi, India, 2006.

### 9.4.2 The National Informatics Centre/Information and Communication Technology for Governance

In the age of the IT revolution, the power of IT to transform and accelerate the development process, especially in developing economies such as India, is paramount. The rapid advance of various forms of communication technologies, especially the Internet, has enabled governments all over the world to reach out to their most remote and diverse constituencies at the grassroots level to improve the lives of their most underprivileged citizens.

The NIC, under the Department of Information Technology of the Government of India, is the leading science and technology organization at the forefront of the active promotion and

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implementation of ICT solutions in government. The NIC plays a pivotal role in the arena of e-governance for building a solid foundation for improved and more transparent governance and actively assisting the government's public outreach campaign.

### *9.4.2.1 Historical Background of the NIC*

The mid-1970s in India were formative years, ushering in a revolutionary transformation in governance. In 1975, the Government of India envisioned that the strategic use of IT in government would lead to more transparent and effective governance that could give a quick boost to all-round development. In 1976, in the wake of this recognition of the potency and viability of IT, the government visualized a project of enduring importance, namely the NIC. Subsequently, with the generous financial assistance of the United Nations Development Program (UNDP) amounting to $4.4 million, the NIC was set up.

### *9.4.2.2 Achievements of the NIC*

NIC has leveraged ICT to provide a robust communication system and effective support for e-governance to the central government, state governments, union territory administrations, districts and other government bodies. It offers a wide range of ICT services. This includes NICNET, a nationwide communication network with gateway nodes at about 53 departments of the Government of India, 35 state/union territory (UT) secretariats, and 603 district collectorate (revenue headquarters) to service ICT applications. NICNET has played a pioneering role in decentralized planning, improvement in government services, wider transparency of national and local governments, and improvement in their accountability to the people (see NIC milestones in Table 9.2). The NIC assists in implementing ICT projects in close collaboration with central and state governments and endeavors to ensure that state-of the-art communication technology is readily available to all of its users in all areas of ICT.

The milestones in NIC's ICT-based endeavors have worked to fulfill the expectations with which it was established.

As a major step in ushering in e-governance, NIC has implemented the following minimum agenda as mandated by the central government:

- Internet/Intranet infrastructure (PCs, office productivity tools, portals on allocation of business, and office procedures)
- IT empowerment of officers/officials through ongoing training
- IT-enabled services, including G2G, G2B, G2C, and G2E portals
- IT plans for sectoral development
- Business process re-engineering

NIC provides a wide and varied range of ICT services as delineated below (see Table 9.3).

Thus, NIC, a modest program started by the external stimulus of an UNDP project in the early 1970s, became fully functional in 1977 and has grown in size and magnitude to become one of India's major S&T organizations promoting informatics-led development. This has helped to usher in the required transformation in government to meet the myriad challenges of the twenty-first century.

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**Table 9.2 Some of the Milestones under the NIC**

| | |
|---|---|
| 1 | Introduction of Central Government Informatics Development Program as a strategic decision to overcome the digital divide in central government departments during the fifth plan period (1972–1977). |
| 2 | NICNET: A first of its kind in developing countries, using state-of-the-art very small aperture terminal (VSAT) technology. Gateway for Internet/Intranet access and resource sharing in various central government ministries and departments during the 1980s and 1990s. |
| 3 | IT in social applications and public administration was introduced. |
| 4 | Like its center counterpart, a strategic decision was made to create a state government informatics development program for overcoming digital divide in central and state governments/UT administrations during the seventh plan period (1985–1990). |
| 5 | District Information System of National Informatics Centre (DISNIC) and National Informatics Centre Network (NICNET) have been launched as a strategic decision in 1985 to overcome the digital divide in the district administrations. |
| 6 | Reaching out into India during 1985–1990, even before the formal arrival of Internet technology, to all the districts of the country, which is a land of unique diversity, with different types of terrain, various agro-climatic conditions, different socioeconomic conditions, and varied levels of regional development. |
| 7 | Videoconferencing operations, which commenced in the early 1990s, now connect 490 locations. |
| 8 | National Informatics Centre Services Inc. (NICSI) was set up in 1995 as a Section 25 company under the National Informatics Centre. NICSI is preferred by government departments for outsourcing the entire range of high-end IT solutions and services. |
| 9 | India Image Portal is an important gateway to the Indian government information with a mission to extend comprehensive World Wide Web services to government ministries and departments. Under this project, more than 5,000 Government of India (GOI) Web sites are being hosted. |
| 10 | A significant outcome of India Image Portal, which came about in the early years of the twenty-first century, is the GOI Directory, a first-of-its-kind comprehensive directory providing information about Web sites of the Indian government at all levels. |
| 11 | Also, in late 2005, all the services and Web sites in India Image Portal were brought under one single interface to provide single-window access to its citizens. This is the National Portal, accessible at http://india.gov.in, accessed on September 10, 2011. |
| 12 | Integrated Network Operations Centre (I-NOC) was established in 2002 for round the clock monitoring of the entire wide area network (WAN) links across the country. |
| 13 | NIC Data Centre, established in 2002, hosts more than 5,000 Web sites and portals. Data centers that have been established at various state capitals for their local storage needs have a storage capacity ranging from 2 to 10 terabytes. |

(*Continued*)

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**Table 9.2 (*Continued*) Some of the Milestones under the NIC**

| | |
|---|---|
| 14 | In 2002, NIC was licensed to function as a certifying authority (CA) in the G2G domain and CA services. |
| 15 | NIC set up the Right to Information (RTI) Portal to provide necessary logistical support to the government for speedy and effective implementation of the RTI Act, 2005. Subsequently, a detailed study on RTI was conducted in June 2009. |
| 16 | Over the years, NIC has extended the satellite-based WAN to more than 3,000 nodes and well over 60,000 nodes of local area networks (LAN) in all the central government offices and state government secretariats. |

*Source:* http://www.nic.in/aboutus, accessed on March 9, 2012, and see, http://rti.gov.in/rticorner/studybypwc/Executive%20Summary.pdf, accessed on August 14, 2012.

**Table 9.3 Profile of Current NIC Services**

| |
|---|
| Digital archiving and management |
| Digital library |
| e-Commerce |
| e-Governance |
| Geographical information system |
| IT training for government employees |
| Network services (Internet, Intranet) |
| Video conferencing |
| Web services |
| General informatics services |
| Medical informatics |
| Bibliographic services |
| Intellectual property and know-how informatics services |
| Setting up of data centers |
| Building gigabit backbone |
| IT consultancy services |
| Turnkey IT solutions |

*Source:* National Informatics Centre, Department of Information Technology, Ministry of Communications and Information Technology, Delhi, India, http://www.nic.in/aboutus, Accessed on September 25, 2011.

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## 9.5 National e-Government Initiative

### *9.5.1* Aadhaar*, Unique Identification Authority of India*

The brand name of the unique identification number (UID) is *Aadhaar*. The UIDAI's mandate is to issue every resident a unique identification number linked to the resident's demographic and biometric information, which a citizen of India can use as valid identification card anywhere in India to access a host of benefits and services offered by the central and state governments. The number (referred to until now as the UID) has been named *Aadhaar*, which translates as "foundation" or "support."

*Aadhaar's* guarantee of uniqueness and centralized, online identity verification forms the basis for building and providing multiple services and applications. *Aadhaar* also facilitates greater connectivity to burgeoning Indian markets. *Aadhaar* gives any resident of India the ability to access these services and resources, anytime, anywhere in the country. *Aadhaar* can, for example, provide the identity infrastructure for ensuring financial data inclusion across the country—banks can link the unique number to the bank accounts of every resident and use the online identity authentication to permit residents to access the account from anywhere in India. *Aadhaar* is also envisaged to be a foundation for the effective enforcement and assertion of individual rights. An open and transparent registration and recognition of the individual's identity with the state is considered vital to implement their right to access employment, education, food, and so on. The number, by ensuring such registration and recognition of individuals, helps the state deliver these rights to its citizens to the best of its capability.

*Aadhaar*-based identification has two unique features: First it provides universality, which is ensured because *Aadhaar* will over time be recognized and accepted across the country and across all service providers as a valid and legitimate form of single-window identification card for all its citizens. Second, every resident of India is entitled to the number free of cost. The number will consequently form the basic, universal identity infrastructure over which registrars and agencies across the country, both at the national as well as at the state levels, can build, store, and process their identity-based applications. Unique Identification Authority of India (UIDAI) will build partnerships with various registrars across the country to enroll residents for the number. Registrars may include stakeholders such as state governments, state public sector units (PSUs), banks, and telecom companies. Registrars may in turn partner with enrolling agencies to enroll residents into *Aadhaar*. *Aadhaar* will ensure increased trust and confidence building between public and private agencies and residents. Once residents enroll for their *Aadhaar* number, service providers will no longer face the problem of performing repeated know-your-customer (KYC) checks before providing and delivering services. They would no longer have to deny services to residents without identification documents. Residents would also be spared wasting valuable time and the trouble of repeatedly providing multiple identity cards through documents each time they wish to access services such as obtaining a bank account, ration card, gas and utility connections, passport, or a driver's license. By providing a clear proof of identity, *Aadhaar* will empower poor and underprivileged residents in accessing services such as the formal banking system and give them the opportunity to easily avail various other services provided by the government and the private sector. The centralized technology infrastructure of the UIDAI will enable "anytime, anywhere, anyhow" authentication. *Aadhaar* will thus give citizens much-needed mobility and facilitation of identity. *Aadhaar* authentication can be done both offline and online. Online *Aadhaar*-linked identity verification will give poor, marginalized, and rural residents the same flexibility that urban residents have in verifying their identity and accessing services such as banking and retail. *Aadhaar* will also demand proper verification prior to enrollment while ensuring inclusion at all levels.

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Existing identity databases in India are fraught with problems of fraud and unnecessary duplication or ghost beneficiaries. To prevent these problems from being entered into the *Aadhaar* database, the UIDAI plans to enroll residents into its database with proper and full proof verification of their detailed demographic and biometric information. This will ensure that the data collected are correct from the onset of the program and can be used for an extended period of time.

*Source*: Unique Identification Authority of India (UIDAI), Planning Commission, Government of India, Delhi, India, 2011.

## 9.6 e-Government Initiatives in Indian States

### *9.6.1 Haryana Registration Information System (HARIS)*

HARIS has been developed with the objective of providing single-windows services, timely registration, and transparent and reliable transactions. It will be a tool to monitor the revenue generated out of registration. HARIS has been designed and developed using user-friendly Windows-based technologies, keeping future trends and requirements in view.

HARIS was conceived as the work culture, and age-old procedures have brought about problems in the office of subregistrar at the state level, such as the following:

1. Lack of a high degree of transparency in valuation of properties and calculations of stamp duty and registration
2. The system is not user-friendly to fulfill the desires of the public
3. Delays in providing the services and office record maintenance
4. Problems in voluminous document management

These issues necessitated radical reforms so that rigid and complex systems can be simplified to bring in the desired transparency and one-stop service to citizens.

The revenue department, Haryana state, in technical consultation with NIC-Haryana, decided to implement HARIS in all *tehsils* (a residential district situated on the outskirts of a city) of Haryana in a phased manner. The subregistrar offices, where HARIS has been implemented, were consulted for inclusion of all these features in the software.

The following are the salient features of HARIS that are already being implemented in Haryana:

- Bring transparency to the entire registration process
- Simplify registration procedures
- Provide one-stop services related to registration
- Generate Management Information System (MIS) reports for monitoring
- Enhance speed, reliability, and consistency of the system
- Online query on registered deeds of various transactions
- Structuring/standardizing the language of deed documents to minimize the role of intermediaries and middlemen
- Maintain a database of biometric photographs to ensure genuine witnesses, executants, and claimants
- Generation of exceptional reports for the purpose of auditing
- Maintenance of permanent record of deeds on CD-ROMs

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The HARIS system has ensured minimal manual intervention and data manipulation at the source. This has led to relatively fewer errors in the records, thereby leading to a reduction in litigation. Accessibility of the land records on the Web has helped in bringing in much-needed transparency in making access available to the people. The system has also helped generate jobs for the IT-literate local population. After implementation of the system, there is a 40% increase in stamp duty collection between 2003 and 2006. Under HARIS, the revenue collectors have to make the rates uniform. This was in contrast to large variation in the collection rate and the open-market rates of the property. Now, with the introduction of HARIS, it is not possible to register a property below the collector rate. This has stopped the loss of revenue caused by the registration of undervalued land deeds. This project has been generating Rs. 5–6 crore ($1 = 50 Indian rupees approximately) per annum from registrations as service charges. As of 2012, more than Rs. 20 crore have been collected as service charges, which is enough for operating and expanding e-governance projects related with the revenue department of Haryana.

### 9.6.2 Prajavani *in Andhra Pradesh*

*Prajavani* is an e-governance initiative that provides practical shape to the RTI Act and also for generating job opportunities for the educated and unemployed youth. *Prajavani* is a unique public–private partnership program, which gives citizens an opportunity to interact with the government without physically visiting any government office.

The information related to various departments was made available to the kiosks through a Web site hosted on NIC AP Web server. The kiosks were given login/passwords to log on to *Prajavani* Web site. The *Prajavani* system not only gives citizens an avenue to track the progress and movement of official file on their grievance but also provides the district collector and revenue officials an effective tool to monitor the performance of various departments under their domain.

### 9.6.3 CARD Project in Andhra Pradesh

The Computer-aided Administration of Registration Department (CARD) project in Andhra Pradesh is designed to eliminate deficiencies affecting the conventional registration system by introducing electronic delivery of all registration services. CARD was initiated to meet objectives to simplify the registration process, bring speed, efficiency, consistency, and reliability, and substantially improve the citizen interface, among other things. Following the launch of CARD in August/September 1997, about 80% of all land registration transactions in Andhra Pradesh were carried out electronically.

### 9.6.4 e-Seva in Andhra Pradesh

Electronic seva (e-Seva) is the improved version of the TWINS project launched in 1999 in the twin cities of Hyderabad and Secunderabad, the capital region of Andhra Pradesh and its suburbs. There are currently 32 e-Seva centers spread across Hyderabad and Secunderabad, operating from 8:00 am to 8:00 pm every day and between 9:30 am and 3:30 pm on holidays. Citizens can pay basic utility bills, avail of trade licenses, and transact on government documents at these facilities. Customized services such as issuance of certificates and land records, online *mandi* (wholesale price) rates, tele-agriculture, and common accounts of self-help groups (SHGs) are offered.

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### *9.6.5 Dairy Information System Kiosk in Gujarat*

The Dairy Information System Kiosk (DISK) application targeted the booming dairy sector in Gujarat, and the project consists of two basic components—an application running at the rural milk collection society that could be provided with Internet connectivity and a web portal at the district level serving transactional and information needs of all members. DISK has helped in the automation of the milk-buying process at 2,500 rural milk collection societies spread across Gujarat and has been pilot tested in two cooperative villages of the Amul dairy in the Kheda district. Software called *Akash Ganga* has been developed with special features to enable speedier collection of milk from various outlets and faster disbursement of payments to dairy farmers.

### *9.6.6* Gram Sampark *in Madhya Pradesh*

*Gram Sampark* is a flagship ICT product of the state of Madhya Pradesh. *Gram Sampark* is a complete database of available resources, basic amenities, beneficiaries of government programs, and public grievances in all 51,000 villages of Madhya Pradesh. *Gram Sampark* has three sections—*Gram Paridrashya* (village scenario), *Samasya Nivaran* (grievance redress), and *Gram Prahari* (village sentinel). An 11-point monitoring system has been put in place whereby programs within Madhya Pradesh are monitored village-wise every month. Four more programs have been included in the monitoring system, which includes eradication of untouchability, women's empowerment, water conservation, and campaigns for sanitation and hygiene.

### *9.6.7* Gyandoot *in Madhya Pradesh*

The *Gyandoot* project was initiated in Madhya Pradesh in January 2000 by a group of civil servants in consultation with various *gram panchayats* (local self-government at the village) in the Dhar district. *Gyandoot* is a self-sustainable, affordable, and community-owned rural Intranet system (*Soochnalaya*) that caters to the specific needs of village communities in the district. Thirty-five such centers have been established since January 2000 and are managed by rural youth selected and trained from among the unemployed educated youth of the village. They, as *Soochaks* (entrepreneurs), run the *Soochanalayas* (organized as kiosks); user charges are levied for a wide range of services that include agricultural information, market information, health, access to quality education, women's issues, and applications for services delivered by the district administration related to land ownership, affirmative action, and poverty alleviation.

### *9.6.8* Lok Mitra *in Himachal Pradesh*

The *Lok Mitra* project was formally dedicated to the people of Hamirpur in Himachal Pradesh as a pilot phase on May 8, 2001. Services offered include information about vacancies, tenders, market rates, matrimonial services, and village e-mail. An interesting feature is that citizens can use the IT-enabled system as a grievance redress system and for proper accountability. A total of 25 panchayats have been identified for setting up citizen information centers. The project is slated to be extended to cover all the districts of Himachal Pradesh.

### *9.6.9* Akshaya *in Kerala*

The project involves setting up of around 5,000 multipurpose community technology centers called *Akshaya* e-kendras across Kerala. Run by private entrepreneurs, each e-kendra set up within

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2–3 km of every household will cater to the requirements of around 1,000–3,000 families to make available the power of networking and connectivity to common people. *Akshaya* is a social and economic catalyst focusing on the various facets of e-learning, e-transaction, e-governance, information, and communication.

## 9.7 Conclusion

In conclusion, e-government through strategic use of IT technologies paves the way for a more efficient, transparent, and faster decision-making process that is making India a leading country in digital revolution. The IT infrastructure has also made direct citizen participation in government a focal matter, and it provides access to information that furthers upward mobility and makes complex bureaucratic processes easier and more efficient. e-Government aims to fundamentally alter how the government operates by changing the work culture and increasing goal orientation, and, in some instances, such as in electronic systems and public accountability, it has clearly done so, Yet, while considerable progress has been made, much more is needed in terms of achieving development goals and overcoming resistance by entrenched bureaucrats.

## Suggested Readings

Agarwal, A. (2007). *E-Governance: Case Studies*. Hyderabad: India University Press.

Backus, M. (2001). *E-Governance in Developing Countries*. IICD Research Brief. Available at http://www.iicd.org/about/publications/egovernance-and-developing-countries-introduction-and-examples

Bagga, R.K., Keniston, K., & Mathur, R.R. (2005). State, ICT, and development: The Indian context. In R.K. Bagga, K. Keniston & R.R. Mathur (Eds.), *The State, IT and Development*. New Delhi: Sage.

Bhatnagar, S. (2004). *E-Government: From Vision to Implementation*. Delhi: Sage.

Budd, L., & Harris, L. (2008). *E-Governance: Managing or Governing?* London: Taylor & Francis.

Dudeja, V.D. (2004). *Information Technology and E-World*. New Delhi: Commonwealth Publishers.

Dudeja, V.D. (2004a). *Information Technology and Practical Management*. New Delhi: Commonwealth Publishers.

Gupta, P., & Bagga, R.K. (2008). *Compendium of e-Governance in India*. Hyderabad: Orient Blackswan.

Haque, S.M. (2000). The diminishing publicness of public service under the current mode of governance. *Public Administration Review*, *61*(1), 65–82.

Kanungo, V. (2004). Citizen centric e-governance in India. ASSOCHAM World Bank Vision Document. Available at http://www.egovIndia.org/egovernancepaper.doc, accessed on October 4, 2011.

Keniston, K., & Kumar, D. (2004). *IT Experience in India: Bridging the Digital Divide*. Delhi: Sage.

Madon, S. (2009). *E-Governance for Development: A Focus on India*. Hampshire, England: Palgrave Macmillan.

Paneervel, P. (2005). *E-Governance: A Change Management Tool*. Delhi: Rawat Publications.

Pardhasaradhi, Y., R. Chetal, & N. Gupta. (2009). *E-governance and Indian Society: An Impact of Study of Andhra Pradesh, Karnataka and Kerala*. Delhi: Kanishka Publishers.

Prabhakar, A., & Swarn, S. (2003). *Smart Card Applications: E-Security, E-Governance and E-Cash*. Delhi: Ajanta Book International Publishers.

Prabhu, C.S.R. (2006). *E-Governance: Concepts and Case Studies*. Delhi: Prentice Hall of India.

Raj, B. (2008). *E-Governance Techniques. India and Global Experiences*. New Delhi: New Century Publications.

Sachdeva, S. (2002). E-governance strategy in India. White paper. Available at http://indiaegov.org/knowledgeexchg/egov_strategy.pdf, accessed on September 29, 2011.

Satyanarayana, J. (2005). *E-Government: The Science of the Possible*. New Delhi: Commonwealth Publishers.

Saxena, M. (2008). *ICT in Rural India: E-Governance*. Hyderabad: ICFAI Press.

Singh, A., ed. (2005). *Administrative Reforms towards Sustainable Practices*. Delhi: Sage.

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Singh, R.P. (2006). *E-Governance in India: Initiatives and Issues*. Delhi: Concept Publishing.
Sinha, Dipankar, Gupta, S.D., & Chakrabarti, K. (2007). *Democratic Governance in India: Reflections and Refractions*. Delhi: Gyan Books.
Thapliyal, M. (2008). Challenges in developing citizen-centric e-governance in India. Accessed August 14, 2012. http://www.iceg.net/2008/books/3/8_64-68.pdf.
Tripathi, V. (2007). *E-Governance in India*. Delhi: Anmol Publishers.
Upadhya, R. (2007). *E-Government: Perspective and Challenges*. Delhi: Anmol Publications.
Young, J.S.L. (2003). *E-Government in Asia*. Ann Harbor: University of Michigan Press.

## Web Sites

Government of India Web Directory
http://goidirectory.gov.in/index.php, accessed on September 4, 2011
National E-Governance Plan, accessed on September 4, 2011
http://www.indg.in/e-governance/e-governance/egov-plan
www.csc-india.org
http://www.negp.gov.in/, accessed on August 14, 2012
Department of Information Technology, Ministry of Communications and Information Technology
http://www.mit.gov.in/content/national-e-governance-plan, accessed on September 4, 2011
Aadhar, Unique Identification Authority of India (UIDAI), Planning Commission, Government of India, Delhi, India, 2011
http://www.uidai.gov.in, accessed on September 4, 2011
E-Seva Project in Andhra Pradesh, India
http://www.indg.in/e-governance/ict-initiatives-in-states-uts/ict-initiatives-in-states-uts-andhra-pradesh, accessed on September 4, 2011
E-Governance in Gujarat
http://www.indg.in/e-governance/ict-initiatives-in-states-uts/e-governance/ict-initiatives-in-states-uts/e-governance-in-gujarat/view?set_language=en, accessed on September 5, 2011
E-Governance in Kerala
http://www.indg.in/e-governance/ict-initiatives-in-states-uts/e-governance/ict-initiatives-in-states-uts/e-gov-in-kerala/view?set_language=en, accessed on September 5, 2011
Prajavani in Andhra Pradesh
http://www.nrcfoss.org.in/repository/e-gov/e-governence-satewise/prajavani, accessed on September 5, 2011
CARDS in Andhra Pradesh
http://igrs.ap.gov.in/, accessed on September 5, 2011
Akshya in Kerala
http://www.akshaya.kerala.gov.in/, accessed on September 6, 2011
Gyandoot in M.P.
http://www.gyandoot.nic.in/, accessed on September 6, 2011
National Informatics Centre: http://www.nic.in/, accessed on September 6, 2011
HARIS in Haryana
http://rewari.nic.in/haris.htm, accessed on September 4, 2011
http://www.csi-sigegov.org/critical_pdf/14_127-131.pdf, accessed on March 5, 2012
DISK in Gujarat:
http://unpan1.un.org/intradoc/groups/public/documents/unpan/unpan023605.pdf, accessed on September 8, 2011
Gram Sampark in M.P.
http://www.itbazaarindia.com/links/egov-project.htm, accessed on September 8, 2011
Lok Mitra in H.P.
http://himachal.nic.in/lokmitra.htm, accessed on September 8, 2011

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# BANGLADESH II

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# *Chapter 10*

# History and Context of Public Administration in Bangladesh

Mohammad Mohabbat Khan

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## 10.1 Introduction

Bangladesh is one of the largest deltas of the world, with a total area of 147,570 square kilometers. It has a population of about 146.6 million, making it one of the most densely populated countries of the world (BBS 2011). More than 75% people live in rural areas. However, in recent decades, the rate of urbanization has been high. Bangladesh is primarily an agrarian economy. The country



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has adopted a market economy premised on free-market principles. The country has a rich cultural heritage spanning many centuries.

Bangladesh is a new state but an old nation. The country has been part of empires in the Indian subcontinent for centuries. It emerged as a sovereign state only in 1971 after defeating Pakistani forces with Indian assistance. Bangladesh was a province of Pakistan from 1947 to 1971. Earlier it was part of Bengal province in undivided India under British rule for almost 200 years. Before British occupation of India, Bengal was ruled by various dynasties of non-Bengali origin.

Developments of public administration in Bangladesh have been influenced by an amalgamation of factors, including foreign innovations within the context of a deep-rooted and rigid local sociopolitical culture. Collectivism, hierarchy, religious bigotry, and fatalism that were the dominant cultural values hundreds of years ago still characterize Bangladeshi society amidst superficial penetration of modernity (Jamil 2007). As a direct corollary of this social framework, elitist power relationships dominated political life in which strong but benevolent rulers were venerated by the otherwise submissive people (Haque 2009). Logically grounded on this sociopolitical culture, foreign invaders like Aryans, Muslims, and the British introduced new administrative institutions that enabled them to have strong control over the territory as well as to provide only the minimum public services that were necessary for creating a benevolent image. Such foreign innovations increased not only the volume of administrative activities but also the scope of interaction between the administration and the people. Within the sociocultural parameters, such interaction and administrative activities took place in a way that the governments were more feared and revered by the people instead of holding the governments accountable to the people. Penetration of modernity did not challenge this sociopolitical culture since the ruling elite groups were the first to accept and nurture modern values with the intention to protect their hegemony. If the ruling elite faced any challenge, it was not from the people but from the rival elites who wanted to share power (Haque 2009). The context of the present-day public administration of the country is thus characterized by a hierarchic, collectivist, and elitist sociopolitical culture in which rival elites compete for a share of state power, people expect more from the government, and administrative institutions confront challenges in accommodating demands of rival elites and interacting with the people.

The evolution of the current structure and culture of public administration in Bangladesh can be categorized into five historical phases:

1. Ancient period (2000 BC–AD 1200)
2. Medieval period (AD 1200–1765)
3. British period (1765–1947)
4. Pre-independence Pakistan period (1947–1971)
5. Bangladesh period (1971 to date)

### *10.1.1 Ancient Period*

The ancient period can be divided into four subphases: the early Vedic, the later Vedic, the Mauryan, and the post-Mauryan. Geographically, Vedic and later Vedic periods were concerned with the Indian subcontinent excluding Bengal. But from the Mauryan period onward, greater Bengal, including Orissa, Bihar, and Assam, became a part of the Mauryan Empire. There was no bureaucratic administration in its true sense during the early Vedic phase (2000–1500 BC). States were tribal in origin; kings had no permanent administration due to limited

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sovereignty and very narrow sources of revenue (Altekar 1977; Singh 2009). The size of the states in the later Vedic period (1500–1000 BC) increased considerably. The concept of "the divine king" that considerably increased the power and sovereignty of the king was entrenched during this period (Singh 2009). The increasing size of the states expanded the scope of public affairs. Along with the defense function, the king was entrusted with promoting material and moral well-being of his subjects (Majumdar 2003, pp. 75–77). The Atharvaveda glorified the king as dhritavrata, that is, the upholder of law. This compelled him to establish a permanent administration for enforcing laws. Moreover, his patrimonial authority necessitated a superior military force at his disposal and the ability to distribute patrimonial favor. Owing to his divine status, the king was considered the owner of lands within the territory and was entitled to collect a regular land tax called Bhaga (Sircar 1974). All these conditions facilitated the emergence of a centralized and hierarchical system of administration. At the top of this administration was the Council of Ratnins (the cabinet). Ratnins included (1) the king's relations such as the crown prince, (2) the king's courtiers such as the royal chamberlain, and (3) departmental heads. Departments were engaged in military and revenue functions only. The stranglehold of the prevailing caste system made the administration an aristocratic oligarchy of military officers of the state (Altekar 1977). It is indeed very difficult to specifically differentiate between aspects that concern the Indian subcontinent and that of Bengal in particular because developments in the Indian subcontinent affected and molded public administration in Bangladesh.

During the Mauryan dynasty (320–185 BC), ancient India developed an efficient administrative system resembling many principles of modern bureaucracy. The administration was geographically deconcentrated. The Mauryan Empire was the first welfare state in India. It regulated the market price of commodities and prevented fraud in their measurement. Producers and traders were also protected by the state through provision of safe roads and warehouses. The state also promoted agriculture by facilitating irrigation. Public hygiene and moral welfare were among the priority considerations of the state (Kangle 1986). The king was the head of the legislative, treasury, judicial, and military functions. Ministers, departmental heads, and other members of amatya (the cabinet) were selected by the emperor himself and held office at his pleasure (Altekar 1977, pp. 156–158; Sircar 1974, pp. 53–65). The Mauryan dynasty also developed a permanent and paid administration owing to its fiscal policy that diversified taxes in cash, kind, and labor (Altekar 1977, pp. 265–266). Deconcentrated administration was present in all administrative units, especially for collecting revenue, dispensing justice, and maintaining law and order. However, such administrative units did not have any policy-making power but were designated to implement only the programs and activities assigned to them by the king. Written procedures and record keeping was also a seminal feature of the Mauryan administration. According to Arthasastra (Kangle 1986), senior officers of departments were called *lekhekas* (writers). There was no differentiation between the civil and military positions in the administration.

Provincial administration was mainly engaged in military activities and revenue collection. Usually, the head of the province was selected from among the blood royals. The provincial head had to be superior in military leadership. Like the central government, he had a council of ministers and a secretariat consisting of various departments (Altekar 1977, pp. 211–212). The Mauryas also developed a superior service called mahamatya. All the heads of departments, provincial officers, and higher divisional and district officers were members of this superior service. Only members of this service had the prospect of achieving to the post of minister based on their performance (Altekar 1977, pp. 189, 207, 329).

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The foregoing discussion clearly reveals that the Mauryan administration was the first bureaucratic administration in its true sense, as it was hierarchical, merit-based, and salaried and was run by full-time employees, based on written documents, and divided into departments. This bureaucracy was mostly patrimonial as Weber defined the term (Weber 1949). The appointment and tenure depended completely on the emperor. Though merit was a crucial factor, loyalty to the king was the main determinant of one's qualification. This bureaucracy was never legal-rational, as it was administered on the emperor's order, not on the objective laws prepared by a legitimate body. Above all, the Mauryan Empire was an elitist meritocracy.

Decentralization of power to local administrative units during post-Mauryan period destabilized the regime as ambitious local administrative elites often betrayed the king's bidding for their own kingdoms. The Gupta administration (AD 300–600) delegated considerable power to the local bodies such as the village panchayats (bodies), town and district councils. Almost all functions of the government, except that of determining foreign policy and declaring war, were discharged through the local bodies, where local representatives had a decisive voice (Altekar 1977, pp. 341–342). The district became the heart of the local administration, instead of the provinces, during the Gupta period (Majumdar 2003). During the Harshabardhana (AD 606–648) and Rashtrakuta (AD 750–977) periods, the efficient patrimonial bureaucracy developed by the Maurya degenerated into a prebendal bureaucracy resembling those of feudal Europe (Altekar 1977, pp. 353–369). Officials were awarded with fiefs instead of a salary. Thus, public officials became tax farmers. Vassal kings were to give regular tributes and military support to the overlord. But due to their autonomous position, they often revolted against the overlord and turned the state unstable.

### *10.1.2 Medieval Period*

The sultanate administration of Turkish Muslim invaders revived and rejuvenated many administrative institutions of the Mauryan Empire. The sultans followed the centralization strategy like the Mauryans (Jackson 1999). In developing their administration, the sultans followed two principles: (1) import of administrative institutions and procedures developed by the Abbasid caliphs in the medieval Muslim empire at the top of the administrative structure and (2) continuance of indigenous administrative institutions and procedures at the bottom of the administration to keep ordinary people away from the uncertainty of change (Qureshi 1971).

The sultanate developed a sizable civil administration under the leadership of the Wazir (chief minister). He was the highest civilian officer responsible for appointing (on the approval of the sultan) and superintending the civil servants (Qureshi 1971, pp. 80–81). He was also the controller-general of finance of the military department. The revenue and the treasury department (*diwan-i-wizarat*) were under his direct control. He was assisted by a Naib-Wazir (deputy chief minister). Next below him was the Mushrif-I-Mumalik (accountant general) and Mustauf-I-Mumalik (auditor-general). The sultanate had a centralized revenue administration that provided uniformity and worked as a control mechanism of local administration (Qureshi 1971).

Considerable increase in public service during this period was evident from the list of departments under the sultanate administration. Apart from all regular activities, the sultanate had departments engaged in social charity, agriculture, record keeping, public relations, market regulation, and a separate police service for preserving law and order and executing judicial decisions (Chaurasia 2002, pp. 135–139; Qureshi 1971).

Like the ancient period, the sultanate administration had field administration in provinces, divisions (*shiqq*), and districts (*parganahs*). The province was the heart of the local administration.

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Both military and revenue functions were predominant in provinces. The sultanate administration was centralized, and therefore provinces enjoyed very limited autonomy. The provincial governor was called the *wali*. He was in charge of the military department. Besides military function, the provinces also undertook law and order and development activities, agriculture, and trade facilitation. The revenue officials worked under the wali but were supervised by the diwan-I-wizarat of the central government. The shiqqs were basically military divisions. Parganahs were the center of land revenue collection. Parganahs and village administration were kept unchanged. Local Hindu chiefs were allowed to continue in their past positions (Qureshi 1971).

Though the differentiation between civil and military administration was initiated, it was far from complete. The influence of the military nobility was considerable in the administration. Added to this was the influence of religion that characterized the sultanate administration.

### 10.1.3 Mughal Period

The Mughal administration perhaps was the most centralized administration in the history of India. The Mughals came from the Central Asian region and brought with them their past administrative experience and utilized that to good effect to build and efficiently run the vast Indian empire. The Mughals supplanted the sultanate rule because of two reasons. First, most of the later sultans were weak and incompetent and unable to protect their domain. Second, the Mughals were warriors and they attempted to enter and conquer India several times, finally succeeding under the leadership of Babar, the founder of the dynasty. Babar was known as a master tactician and a great warrior. His forefathers included legendary warriors like Chengiz Khan and Taimurlane. The whole administration became the personal court of the emperor. He became the supreme legislative, executive, military, and judicial authority. There was little delegation of authority to departmental heads. The appointment, promotion, tenure, and holding of rank became dependent upon the emperor's pleasure. Excessive authority of the monarch made politicization of the administration inevitable in the key posts of the administration, especially in distributing "mansab" (service grading) and chieftainships, and in higher appointments in the judiciary (Qureshi 1979).

Like the sultanate, the Mughal had no cabinet or council of ministers. The system of administration was so centralized that every minute detail of the administration had to be endorsed by the monarch. The Mughal emperors were not bound to consult important policy issues with higher officials. However, the consultation with departmental heads and some other higher officials on important matters was customary.

The *wakil* was the head of the whole administration. It seems that the post of wakil was a Mughal innovation and was created through dividing the responsibilities of the wazir of the sultanate. The Mughals separated the offices of coordination and finance and placed the former under the wakil and the latter under the wazir. The system reduced the power of the wazir and imposed a system of checks and balances in the higher echelons of administration. Interestingly, though Mughal emperors were enthusiastic in concentrating all power in their hands, they were no less enthusiastic in establishing checks and balances at all levels of the administration.

The unique contribution of the Mughal administration was the introduction of a unified grading structure called the *mansabdari* system (Edwardes and Garrett 1995). The civil and military services were integrated under the mansabdari system. Each higher civil and military officer was to be awarded with a definite mansab, or grade, which would determine his status and pay. Emperor Akbar introduced 66 grades. The standard of grading was based on the military system. Each grade

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required a certain size of military contingent, including cavalry, artillery, and beast of burden. The following principle was utilized: the larger the contingent, the higher the grade. However, this did not mean that civil officers were excluded from getting mansab or that they were required to maintain a military contingent to get one. Each mansab had a *dhat* rank (personal rank) and a *sawar* rank (military rank) (Qureshi 1979). Personal ranks varied with the importance of job responsibilities. Equivalent positions of civil and military services had the same dhat rank. Monthly pay and status depended upon this dhat rank. Sawar rank depended on the size of the contingent that an officer had. Military grants were disbursed upon the sawar rank (Edwardes and Garrett 1995). Meritorious persons with limited ability were awarded higher mansab than their actual contingent strength (Qureshi 1979, pp. 89–105). The great virtue of the mansabdari system was that it streamlined the pay administration of the civil and military services and provided a projected career growth path for each officer. The mansabdars were paid either in *naqdi* (cash salary) or in the form of an assignment of revenue corresponding to the salary, calculated in terms of money. Assignment was called *jagir*. The mansabdari system made the Mughal administration a bureaucratic organization by arranging all positions into a unified hierarchy and providing uniformity in career management.

The Department of Records (Waqiah nawis) was one of the most important and busiest departments of the Mughal empire. Almost each and every level of the administration was engaged in endless paperwork. This is why historians often term the Mughals administration as the "government by files." The Mughals introduced important innovations in judicial administration. They maintained three different courts for civil and criminal offenses (*diwan-I-qada*), administrative offenses (diwan-I-muzalim), and political offenses (*diwan-I-siyasat*). But, the Mughals partially hindered the independent functioning of the judiciary by politicizing the appointment of qadi-ul-quddat (the chief justice) for reducing opportunities of judicial interference in the activities of the executive. The office of the kotwal (police service) was retained in the manner of the days of the sultanate.

As far as the field administration was concerned, the Mughals retained institutions developed by the sultanate. Provinces of the empire were called *subah.* Each province was divided into several *sarkars*, which in turn were divided into several *parganahs.* The head of the province was called *subahdar*. He was the commander of the armed forces of the province. This signified that his main duty was the defense of the area and the maintenance of peace and order. He was also the nominal head of the civil administration. In practice, most of the departmental heads were accountable to their respective departmental heads of the central government. The power of the provincial diwan was significant due to his attachment with the wazir. The subahdar and the diwan kept each other in check.

The Mughals retained many of the institutions of the sultanate while centralizing their administration more to keep ambitious administrators impotent and dependent on the monarch's patronage. They established the mansabdari system to establish control over the landed nobles of the country who became the ultimate threat to the integration of the sultanate state. Last but not least, the Mughals established checks and balances at each and every level of the administration, which helped them in ensuring good governance.

### *10.1.4 British Colonial Period*

The British colonial administration founded the modern bureaucracy based on legal-rational principles in the country. It successfully separated civil administration from military administration and established the supremacy of the former. The term "civil servant" was also used for the first time (O'Malley 1931, p. 1). The Regulating Act of 1773 was the first landmark in the transformation of the East India Company's commercial administration into a political government in the Indian subcontinent. It laid the foundation of central administration. It made

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the governor-general in council as the supreme government having control over all presidencies (Misra 1959, pp. 19–20).

The governor-general in council had to decide with the consent of the majority of the councilors and had to account for all its acts to the court of directors as well as to the British Parliament under the 1773 Act. The act also distinguished between the civil and the commercial functions of the company by classifying the company servants into two separate areas. The collectors and subordinate officers were engaged in revenue and judicial administration, whereas the merchants performed trading (Ghoshal 1944; pp. 129–138; Misra 1980). Later, the Pitt's India Act of 1784 established a board of control to control all legal, civil, and political affairs of the company. In 1813, the trading monopoly of the company was abolished, and all sorts of commercial activities of the company were withdrawn in 1833. From then on, the company became the trustee of the government of the British Crown in India (Ghoshal 1944).

Europeanization of the covenanted service during this phase certainly contributed to widening the gap between the administration and the people and consolidated administrative elitism. The elitism was expressed through recruiting only from the noble Englishmen and conferring to them much greater power, status, training, and pay (Ghoshal 1944; Misra 1980). Gradual Indianization of the Covenanted Service allowed only the upper strata of the Indian society to make inroads into it, and thus the infiltration of native elites in the service was ensured. Undertaking of institution-building activities such as limited competitive examination for recruitment, systematic training, and code of conduct were among other core contributions during this phase (Ghoshal 1944; Khan 2009; Misra 1980). Recruitment and training were designed to create a superior class of generalists who would lead the civil administration.

The parliamentary oversight of the recruitment process was introduced through the 1833 act (Misra 1980). Performance-based promotion based on annual confidential reporting was introduced in 1834 (Misra 1970). Since 1858 onward, following the Crown's takeover of the Indian government, successive reforms of the service showed two trends:

- Gradual rationalization of the service was undertaken through codification of laws (such as penal code, criminal code, and statutory provisions for the service), service rules, and specialization (both technical and spatial) on the one hand, and Indianization of the service on the other. While rationalization tended to increase predictability and efficiency of the service, Indianization had the opposite effect, costing efficiency at the behest of political expediency. Centralization, red-tapism, and uniformity in the management of the service resulted as a natural corollary of rationalization.
- The other trend was the increasing political control of the civil service that for the most part arose after the promulgation of the Government of India Act 1919 (Khan 2009).

The concept of cadre service was introduced in 1923. The covenanted civil service was reconstituted into Indian Civil Service (ICS) as the elite and the apex cadre. Some other All-India Services were the Indian Police Service, the Indian Forest Service, and the Indian Agricultural Service. Most of these services were gradually put under the control of provincial governments by 1930 as a response to the demand of provincial autonomy as envisaged in the Government of India Act 1919. Uncovenanted Civil Service, which was lower in status and pay and created over time after the company's takeover of the revenue administration, started taking the shape of a systematic service based on the recommendation of the Aitchison Commission in 1886. Uncovenated Services were brought under the aegis of the Provincial Civil Services (PCSs) in 1892. Gradually, provincial cadres such as the General Civil Service, the Educational Service,

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the Civil Medical Service, the Bengal Engineering Service, and the Agricultural Service were created. Also, class-wise service gradation was introduced both at the center and provinces. The Imperial Secretariat Stenographers Service, the Postmasters Service, and the Customs Appraisers Service belonged to the Uncovenanted Services, later on included as Class II Services under PCSs.

The system of patronage to recruit covenanted officers was abolished by the Government of India Act 1858. The method of open competitive examination held in London followed by a 2-year probation was introduced as the mode of recruitment to the ICS. The rigor of the competitive examination and the probationary training added to the statutory privileges and made the service a distinctive elite class in the society (Khan 2009). Under the Indian Civil Service Act of 1861, some covenanted posts were declared scheduled posts to be filled by Indians in India following a nomination process. This was done to please the educated upper class of the Indian society. However, these nominated officers were not considered as ICS officers and were to enjoy fewer privileges compared to their European counterparts (Misra 1980). In 1892, one-sixth of the covenanted posts were reserved for the provincial civil service to be filled by promotion on the basis of proven merit and ability.

The Government of India Act 1919 provided four methods of recruitment to the ICS: London examination, separate examination held in India, nomination as a measure of equitable representation from provinces and different communities, and promotion from the Provincial Service. The ICS began to lose its homogeneity and *corps d' elite* status around this time. This was evident from the rise of separate color-based associations in the civil service (Misra 1980). Moreover, the system of nomination and the relatively low-quality examination held in India degraded the quality of the service. Added to these was the fall in the real pay of the service that made ICS less attractive to the bright English young men (Khan 2009). Since 1917, recurrent political pressure for Indianization of the bureaucracy severely affected the esprit *de corps* feeling of the ICS and was replaced by professionalism and groupism (Misra 1980, p. 244). Indianization and provincialization of the service not only gave birth to intra-bureaucratic politics and rivalry but also jeopardized the political unity of the country (Misra 1980, pp. 139–157, 250–257). A Public Service Commission was established in 1926 to conduct recruitment and recommend government about disciplinary control and terms and conditions of the civil servants (Chaudhury 1963). This was a move to bring about uniformity, legality, and professionalism in many personnel functions.

The beginning of British bureaucratic absolutism was virtually a process of depoliticization whereby the bureaucracy took up the power of the long-standing local nobility, that is, zamindars (landlords) and taluqdars (small landlords), who were able to protect their local elitist interests during ancient and medieval periods. Cornwallis abolished the role of the zamindars and taluqdars in maintaining the law and order by absorbing the *chaukidari* (village police) system under the government police service (Misra 1980, p. 313). While the old aristocracy was on the wane due to civil administrative policy of the British, a new middle class based on trade, commerce, and education emerged as the political competitor of the old aristocracy. For obvious reasons, this new class collaborated with the colonial administration (Misra 1980, pp. 314–315). The emaciated old aristocracy along with the submissive and opportunist middle class helped the bureaucracy to play a definitive role in the affairs of the society.

The Government of India Act 1919, provided for increased provincialization by authorizing the provincial legislature to deal with transferred activities. This significantly reduced the power of the governor-general. Moreover, provincial autonomy reduced the scope of the All-India Services that eroded the power of the ICS as a whole. Section 96 B (2) of the aforementioned act provided the Indian legislature with the authority to enact laws relating to the supervision of the public service. This was the beginning of the politics–bureaucracy interface. With the initiation

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of adult franchise in 1921, a power struggle between the legislature and the civil servants came into the limelight (Chaudhury 1963, pp. 47–61). To avoid unjust political infringement into the administration, the 1919 act provided some safeguards regarding tenure and service conditions of the civil servants (Misra 1980). After the promulgation of the Government of India Act 1935, the executive authority of all provincial subjects came under the popular control of the ministers instead of the governor in council. The council of ministers was collectively responsible to the provincial legislature. Thus, interaction between the ministers and the bureaucrats took the shape of an ideological confrontation; ministers were more prone to political expediency, whereas bureaucrats were to adhere to rational rules and official knowledge. Given this fact, administrative efficiency was clogged into the politician–practitioner strife (Misra 1980, p. 309). Political control of the public affairs at the provincial level was limited by differences in objectives and ideologies between the governor and the ministers. The former represented the imperial interests and bureaucratic impersonality, whereas the latter were committed to Indian nationalism and political value judgment. Such a gap caused distrust in the relationship on the one hand and gradually undermined the status of the bureaucracy on the other. The elitist nature of the bureaucracy and the occasional failure of the politicians to differentiate between party and government affairs also constrained the relationship (Misra 1980, pp. 345–347).

Although the bureaucracy had lost considerable leverage on the policy process after the enactment of the 1935 act, it could continue its domination at the administrative level due to its technical expertise and experience. Ministers had to depend upon the cooperation of the civil servants for policy execution.

Administrative developments during the British period were of significant importance. Unlike the personality-based Mughal administration, the British introduced a contractual and rule-bound formal bureaucracy. Mughal administration was basically an urban-based administration. But the British deliberately tried to replace the traditional community-based authority and corporate land ownership with an administrative authority and individual ownership based on records of rights (Misra 1970, pp. 641–642, 648). This expansion of administrative jurisdiction resulted in an unprecedented increase in the volume of administrative work and therefore resulted in greater specialization (Khan 2009).

Centralized and all-pervasive district administration was a product of the Indian tradition. During the Mughal period, districts were the centers of revenue and military administration. The designers of the colonial administration not only continued with this tradition but also rather glorified it more for administrative exigencies. People also welcomed this set-up, as they felt safer with the presence of a strong administrator who was able to redress their grievances (Ghoshal 1944, p. 9).

Although centralized administration is a common subcontinent phenomenon, rational structuring and elitist orientation of the bureaucracy were the consequences of the colonial interest and the predominant caste-based social values of the subcontinent. A well-trained and disciplined bureaucracy helped the British Raj to sustain its imperial interests without much trouble. Bureaucratic elitism helped powerful bureaucrats earn the respect and loyalty of a caste- and status-based society.

### *10.1.5 Pakistan Period*

Decolonization led to the emergence of two sovereign states, Pakistan and India, in the Indian subcontinent. Independent Pakistan symbolized the aspirations of Muslims in undivided India for economic emancipation from the more advanced and majority community—the Hindus.

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Many Muslim leaders contributed to the formation of a political organization of the Muslims. The Muslim League was founded in 1906. The birth of the Muslim League not only allowed the minority Muslim community to unite and galvanize their interests under one common platform but also paved the way for the eventual division of India in 1947. In British India, Muslims were vastly outnumbered by Hindus in all institutions and professions, including political parties, the civil service, the military, the police, and the judiciary, as well as in the teaching, legal, and medical professions. The private sector was also monopolized by Hindus. By the 1940s, it became clear to most Muslim leaders that the Indian subcontinent had to be partitioned to give the Muslims a homeland that they could consider as their own.

Civil service during this period was mostly continuation of the British tradition. The Civil Service of Pakistan (CSP), which was the elite superior service of the country, outshone its counterpart ICS in terms of career mobility and administrative power (Rahman 1980). Few changes were made in the structure. Services were divided into All-Pakistan Services, Central Superior Services, and Provincial Services. Position classification was introduced in which cadres were vertically divided into three categories: generalist-administrative, functional services, and specialist services. Horizontally, services were differentiated into four distinct classes, namely, class I, II, III, and IV. So many differentiations across the civil service created intercadre and class conflicts that continued degradation of the esprit de corps feeling in the service that was the greatest asset of the civil service during colonial times (Chaudhury 1963). Personnel management was centralized by setting up the Establishment Division under the office of the president. It formulated, executed, and coordinated recruitment, training, disciplinary action, and other personnel management policies, procedures, and regulations of the All-Pakistan and Central Services.

Political conflicts between the east and west wings of Pakistan also had an impact on civil service management. One initiative was to make the civil service representative, and therefore a provincial quota system in recruitment was introduced in 1956. The elitism in the civil service made a comeback when the military dictatorship took power in 1958 amid severe political instability (Khan 2009). Political agitation against military rulers created a long-standing distrust between civil servants and politicians that had untoward effects on civil service management during the Bangladesh period.

### *10.1.6 Bangladesh Period*

The beginning of the Bangladesh Civil Service (BCS) was marked by consecutive attempts to curb the elitist nature of the service and establish increasing political control over it. The discontinuation of constitutional protection was the first step in this respect. While the 1962 Constitution during the Pakistan period provided civil servants with unconditional opportunities to be heard in the case of dismissal, removal, or reduction in rank, except such actions pertaining to criminal charges, the 1972 Constitution conferred the appointing authority and the president with discretionary power of dismissal, removal, and reduction in rank without hearing the concerned civil servant on national security grounds and practical reasons recorded in writing. The constitutional status of finality of such decisions also deprived civil servants of resorting to an administrative tribunal or the court of law for justice. Constitutional obligation of "not to vary tenure and conditions of a civil servant to his disadvantage" was also revoked by the 1972 Constitution.

Centralization of power in the prime minister's office like that of the vice regal system of colonial days signified efforts to increase political control over the administration (Ahamed 1980). The prime minister's (PM) advisers were handpicked from influential politicians instead of top-ranked civil servants, as was the trend until the end of Pakistan rule. Many areas of development administration

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were delegated to elected politicians and party-based interest lobbies instead of civil servants (Rahman 1980). Most insidious among these attempts was the enactment of the President's Order No. 9 in 1972, which almost abolished job security, tarnished the apolitical image of the service, and dampened the morale of civil servants. After the liberation, using this draconian law, many efficient and senior officials were dismissed from the service without assigning any reason (Ahamed 1980).

Although the BCS is supposed to be apolitical and neutral, overzealous attempts of the successive governments to establish political control have made it highly politicized and factious. As a result, the BCS has become a politicized bureaucracy. Officers who were involved with the government-in-exile during the liberation war were termed "patriots," and those who continued with the Pakistan government were termed "collaborators." After liberation, "patriot" bureaucrats got faster promotions and important placements against more efficient and senior officers who were incriminated as "collaborators." Many civil servants were even dismissed from the service on charges of collaboration with the Pakistan government during the liberation war. The meritocracy base of the service was also compromised by creating quotas for members of the *Mukti Bahini* (a popular Bangla term used to refer to the contingent of the liberation war fighters) in the civil service recruitment (Maniruzzaman 1980). A special BCS recruitment was made in 1973 to recruit freedom fighters in the service through a substandard examination. This 1973 BCS batch has been pejoratively termed "Awami League batch."*

In 1974, when the country was transformed from a multiparty parliamentary system to a one-party presidential system, many senior civil servants were appointed to important positions of Bangladesh's Krishak Sramik Awami League, the lone political party. After the fall of the Mujib regime (1972–1975), many officials who were close to the immediate past regime were either sacked or reduced in rank. The then-government also recruited a non-freedom-fighter BCS batch in 1977. This batch has been derogatorily termed the "BNP batch."† Many military personnel were also inducted in the civil administration (Khan and Zafarullah 2005). Later, the Ershad regime (1982–1990) also continued the trend of militarization of civil administration. During this regime, two special BCS recruitments were conducted in 1984 and 1985 through substandard examinations. Such politicized recruitment severely downgraded the quality of the civil service. Along with recruitment, almost all aspects of personnel management, especially promotion to the level of deputy secretary and above, have suffered due to unabated politicization (Khan and Zafarullah 2005).

To curb the elitist nature of the civil service, the concept of "superior and elite cadre service" as was the tradition in the British and Pakistan period was discarded in the post-liberation era. All cadre services were made at par in terms of recruitment, salary, status, and other benefits. However, differential career mobility and promotion prospects of different cadres created strife between the BCS (administration) cadre and other functional and technical cadres. This long-standing intercadre conflict has adversely affected coordination of the local field-based administration.

A compressed and egalitarian salary structure was another new dimension of the post-liberation Bangladesh. While during the British and Pakistan period, more than 2,000 salary scales existed with a huge difference between the highest and the lowest pay scale, Bangladesh introduced a compressed 21 (later reduced to 20) scale salary structure with a much-reduced difference between the highest and the lowest pay scale. The long-term implications of this egalitarian salary structure have been the loss of meritorious civil servants at the top; a burgeoning size of the bureaucracy,

* The Awami League was the political party that organized the liberation war and was the party in power that appointed this batch.

† General Zia (1976–1981), the chief martial law administrator and president, formed a political party named the Bangladesh Nationalist Party (BNP).

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especially at the bottom level; and incapacity to induct laterally highly qualified individuals with diversified skills into government services. This has happened at a time when the growing private sector offers much higher salary for similarly compensable jobs, especially at the middle and higher levels. An egalitarian pay structure offers at the lowest level of the bureaucracy a salary above market level; social demands for such jobs are very high, and the ruling party utilizes this high demand as a means to politicize the bureaucracy by appointing party men in these posts. But these appointments are given only after the prospective candidates pay substantial bribes to the leaders concerned. This is evident from the fact that lower-level public employees have unions in all offices, and elections to these unions are openly held under banners of major political parties, although public sector employees are prohibited from directly engaging in partisan political activities.

Structurally, no major change was brought in the civil service after the liberation. Secretariat–field administration dichotomy, functional cadre services at the apex levels of the civil service, class-based appointment, and gradation have continued from the Pakistan period. Currently, the secretariat consists of 37 ministries and 43 divisions. Ministries and divisions are mainly engaged in policy formulation and overseeing the implementation. Each ministry/division has a number of departments, directorates, and attached offices that together work as the field offices for that ministry/division. Field offices are responsible for implementing policies, programs, and projects undertaken by the concerned ministry/division. Most of the ministries have their field offices at each hierarchical administrative unit, namely divisions, districts, and upazilas (subdistricts). Field offices of all ministries/divisions of a particular administrative unit together comprise the field administration for the concerned unit. Thus, Bangladesh has field administration at divisional, district, and upazila levels. While policy-level coordination is facilitated in the secretariat through the cabinet and interministerial consultation, coordination at the implementation level is achieved through field administration. Offices of the divisional commissioner, the deputy commissioner, and the upazila nirbahi officer work as the coordinating authorities at divisions, districts, and upazilas, respectively. Bangladesh also has local government units at districts called "zila parishad" and at upazilas called "upazila parishad." These local government units do not have their own administrative establishments. According to the most recent legislation, field offices of most of the ministries engaged in development activities have been transferred to local government bodies in respective administrative units. This created a diarchy in the field administration, as field agencies have to maintain the administrative hierarchy stretching from the secretariat to the lowest tier of the field administration on the one hand, and they have to prepare local programs, coordinate local programs with central ones, and make their activities accountable to representatives of the local elected bodies on the other hand. In this secretariat–field administration dichotomy, positions in the secretariat are considered lucrative and rewarding since ministries control human resource functions of all its employees, including field officers; allocate, approve, and disburse budgets; and make policy decisions.

Functional cadres have been the apex services of the country since the British period. At present, there are 28 cadres in the BCS. All cadre officials belong to Class I salary grades and enjoy corresponding status and benefits. Cadre officials constitute 4.2% of the total public sector manpower. Apart from cadre officers, there are non-cadre Class I officers as well. They constitute 5.35% of the total public sector manpower. Class I posts are considered executive positions in the service. Class II officers hold basically administrative and clerical posts and comprise 5.1% of the total public sector manpower. Class III and IV posts fall under support staff and messenger services and comprise more than 85% of the public sector manpower. In other words, public administration in Bangladesh is overburdened at low levels and by low-skilled manpower; at the same time, an acute shortage of skills persists at the top.

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## 10.2 Dominant Administrative Values

Bangladesh public administration is a classic example of Riggs' (1964) polynormativism and high formalism in terms of administrative values. The polynormativism notion is part of Riggs' famous prismatic model. Polynormativism entails the coexistence of modern and traditional norms in developing countries. In the decision-making process, polynormavitism represents the simultaneous use of both rational and nonrational criteria. Polynormativism is evident from the exposed gap between what bureaucrats preach and what they actually practice. In their speeches, opinions, and on paper, Bangladeshi bureaucrats strongly advocate for democracy, equity, accountability, and administrative responsiveness. But in practice, they exhibit a high affinity for power, money, centralized authority, unequivocal loyalty, and submissiveness (Khan 1998). High formalism refers to inconsistent application of rules and regulations. Bangladesh is a strong administrative state in which rigid rules and regulations surround almost all government services (Global Integrity 2011; IFC 2011). These rules and regulations are often used as means to extract money from the service seekers (BEI 2006).

However, the legal framework of the country promotes Western values, such as accountability, transparency, equity, democracy, effectiveness, and efficiency as the basis for administrative action. Article 21(2) of the Bangladesh constitution says that government officials should strive at all times to serve the people. Section 7 of the draft Civil Service Bill 2010 mentions, among other things, equity, legality, efficiency, accountability, transparency, impartiality, and public interest as the basis of activities of the civil servants. However, the actual bureaucratic behavior exhibits great deviation from the stated legal norms. In a hierarchic, collectivist, and materialistic society such as Bangladesh, power, status, and material success define the relationship between administrators and citizens. In the following section, we mention a few core administrative values in some detail.

### *10.2.1 Power Parity: Bangladeshi Version of Democracy, Equity, and Impartiality*

Intra-administrative relationships and the relationship between officials and citizens are determined by power and dependency relationships. Intra-administrative relationships connote hierarchical relationship within public organizations between superiors and subordinates as well as between public officials and citizens at large. Both types of relationships are asymmetrical in nature with uneven distribution of power among the concerned actors, resulting in mutual dependency. Within the administration, seniors expect unequivocal loyalty from their juniors. This service-based loyalty, while enhancing intercadre and interclass cohesiveness, escalates intercadre rivalry and conflict. As administrative status and career success are equated with power, overcentralization in administrative decision making is seen as natural (Khan and Zafarullah 2005). Overcentralization resulted in low interpersonal trust among the administrators that made administrators depend more on the scalar chain and written documents for disposal of business.

Authoritarianism and elitism are two dominant syndromes of power relationships within Bangladesh's public administration (Khan 1998). Most of the policy decisions are made by the PM with the help of some close senior cabinet ministers and some senior bureaucrats who are assumed to hold similar political ideology. Although the elite cadre concept was discontinued and an egalitarian salary structure was introduced in BCS, cadres such as BCS (Administration), BCS (Police), BCS (Tax), BCS (Customs), and BCS (Foreign Affairs) are still considered elite, as these hold considerable administrative power and rent-seeking opportunity. The mutuality that develops between high-powered politicians and top-grade administrators of the elite cadres

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create a rent-seeking network in the administration. Many administrators who become materially successful join political parties almost immediately after their retirement from the service.

A paternalistic relationship exists between the administrators and the citizens. Administrators often treat citizens as children and therefore give the opinions of the latter little value. The quality of service delivery also differs based on nepotism and the power relationship between the concerned administrator and the service seeker. If a service seeker has some nepotistic ties with administration, or holds such power to give a bribe or convince the administrators, they get prompt and quality service (Jamil 2007; Khan 1998).

### *10.2.2* Tadbir: *Bangladeshi Proxy for Accountability and Transparency*

Budget control and reporting, accounting and auditing, hierarchical control, and even parliamentary oversight of administrative activities are formally taken as accountability and transparency mechanisms in Bangladesh. However, in practice, one can manipulate these accountability measures by using one's *tadbir* power. *Tadbir* is defined as personalized lobbying to influence an administrative decision or action flouting formal rules or abusing discretionary administrative power.

*Tadbir* affects virtually all administrative processes, including promotion, transfer, budget allocation, audits, performance appraisal, monitoring and evaluation, and so on (Jamil 2007). Powerful ministers, members of parliament (MPs), and powerful bureaucrats are considered effective *tadbir* makers. As a direct consequence of *tadbir*, merit and experience are disregarded, wrong people are placed in jobs, job satisfaction is low, and officials who do not have *tadbir* power always maintain a low profile (Anisuzzaman 1985; Jamil 2007).

### *10.2.3 Tradeoff between Stability and Change: Bangladeshi Version of Effectiveness and Efficiency*

Effectiveness and efficiency are considered key ingredients of administrative change and development. BCS is not resistant when it takes the shape of routine change and modifications. Administrative reorganization has been a routine matter with few innovations attempted. New ministries and divisions are created and merged with the change in government. Policy change is also frequent (Jamil 2007). Creation of new posts is also common. Change in administrative processes and training programs are also not rare. But in bringing administrative changes, one could find some common trends. First, bringing change is easy if it serves a political purpose without hampering service conditions of the bureaucrats. Second, administrative change programs are undertaken with relative ease if they come in a long-term capacity-building project format with generous foreign assistance. Third, the proposed administrative change brings in administrative exigency without compromising administrative power, prestige, and privileges. However, organized resistance to change is evident against fundamental reform efforts that might strengthen the existing accountability and responsibility framework and tighten service conditions (Khan 1998).

## 10.3 Public Administration Education in Bangladesh

Provision of education in public administration can be divided into two categories: pre-service education and in-service training. Pre-service education is provided by public administration schools under different universities at undergraduate and graduate levels. In-service training is provided to newly entrant civil servants by different government training institutes.

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### 10.3.1 Pre-Service Education

During the Pakistan period, public administration as a discipline was overshadowed by political science, and public administration was academically considered a subfield of political science (Khan 2001). During the postliberation period, public administration education received a significant boost after the establishment of a full-fledged public administration department at the University of Dhaka (DU) in 1972. The University of Chittagong (UC) and Rajshahi University (RU) opened public administration departments in 1980 and 1993, respectively. Jahangirnagar University (JU), Shahjalal University of Science and Technology (SUST), and Comilla University (CU) also started offering public administration at undergraduate and graduate levels in 2006. Islamic University (IU) opened the Department of Politics and Public Administration in 1990. All leading public universities provide public administration education. Leading private universities like North South University (NSU) and BRAC University (BU) offer only a single course in public administration at the undergraduate level.

All public universities offer degrees in public administration at undergraduate and graduate levels within the faculty of social sciences. These universities have also programs for higher studies leading to MPhil and PhD degrees. Public administration departments in all public as well as private universities have total freedom in designing and developing their syllabi and course curricula. This allows the public administration departments to plan and effect necessary changes in course structures, syllabi, teaching methods, and assessment systems. Such changes do, of course, need to be approved by the relevant faculties, boards of advanced studies, and academic councils of respective universities.

Initially, public administration curricula of these universities were more oriented to political science with some focus on organizational management and local government. The undergraduate degree was a 3-year degree that followed a subsidiary system in which students had to pass two minor elective courses. Currently, all universities offer 4-year undergraduate and 1-year graduate degrees in public administration. Curricula have also been redesigned to integrate core areas of public administration. Curricula have been prepared with multidisciplinary integrated courses. Public administration and management theories; organizational behavior; introductory economics, sociology, and political science; financial administration; comparative public administration; public personnel management; public policy analysis; administrative systems analysis; governance theories; local governance; gender studies; rural development and nongovernmental organizations; environment policy; and management are common courses that all universities provide at the undergraduate level. IU, JU, and RU provide additional courses on political science, such as politics and government in Bangladesh, introduction to political economy, and the history of political thoughts. Except for IU, all other universities offer a course on project management; Chittagong and Jahangirnagar universities also provide courses on administrative law and principles of accounting. JU offers courses on bank management, business principles and practices, entrepreneurship development, and program evaluation. SUST, RU, and JU also provide courses on the application of information and communication technology (ICT) in the public sector. SUST and RU offer a course on social policy and administration. RU also provides a course on public–private partnership.

Like the undergraduate programs, the graduate programs of all the universities except for JU have the same generalist flavor. All universities provide courses on theories on public administration and organization, development administration, public policy, and public management. DU, JU, and IU also provide a course on public personnel administration. Only JU offers two specialized areas, that is, governance and public policy at the graduate level. Students of governance streams have to study two full-unit advanced courses on governance, and students of public policy have to study two advanced courses on public policy. Student enrollment in departments of public administration is also satisfactory (Table 10.1).

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**Table 10.1 Average Enrollment in Public Administration Schools of Different Universities**

| *Name of the University* | *Undergraduate Enrollment* | *Graduate Enrollment* |
|---|---|---|
| University of Dhaka (DU) | 131 | 109 |
| University of Chittagong (UC) | 74 | 75 |
| Rajshahi University (RU) | 60 | Information not available* |
| Jahangirnagar University (JU) | 43 | 36 |
| Shahjalal University of Science and Technology (SUST) | 39 | Information not available* |
| Islamic University (IU) | 71 | Information not available* |

*Source:* Offices of departments of public administration of respective universities.

* Usually, the number of master enrollments remains close to or slightly lower than the undergraduate enrollments.

Although public administration over the years has evolved into a separate academic discipline, education quality and research within this discipline have remained unattained challenges. Old courses were replaced with new courses to suit the demands of the job market. Yet there is no indication that public administration has been able to create a niche in the job market, and this has made teachers and students of this discipline growingly unenthusiastic about maintaining and improving quality of education and research endeavors. Despite the fact that courses of this discipline were designed keeping the needs of the government in mind, no government job recruitment system provides additional advantages to public administration students compared to the students of other social science disciplines. On the contrary, private sector job providers are not sensitized to hire public administration graduates, as they believe that students of this discipline are more suitable for government jobs. The role of the teachers has also changed over the years, following the frustrating scenario of the discipline in the job market. Many highly qualified teachers have left the country for lucrative job offers abroad. Some teachers are involved in full-time consultancy, giving little time to either students or academic research. Also, the accountability chain in most departments in all universities has completely broken down, leaving teachers to do whatever they want, irrespective of their assigned duties and responsibilities. This situation has arisen largely as a result of increasing politicization of universities and almost "automatic" promotion of teachers.

Research in public administration has also failed to match its numerical growth and to enrich the discipline by creating an indigenous knowledge base. Most of the research is limited to local government issues, parliamentary oversight, and rural development programs. Substantive research on public finance, public policy issues, development administration, organization design and development, administrative systems analysis, and performance management are absent. This is primarily due to inadequate funding for academic research along with inadequate access to government information and a lack of meaningful cooperation from government officers. Partnership between academics and government agencies is required to solve critical organizational, managerial, and policy problems in the area of public administration and research.

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### 10.3.2 In-Service Training

Bangladesh Public Administration Training Center (http://www.bpatc.org.bd/), the apex government training institute of the country, provides in-service training on public administration only to government officials (Khan 1986; Khan and Siddique 1998; Khan and Zafarullah 1980). It offers three courses: a foundation course for newly entrant junior civil servants, an advanced course of administration and development for mid-level civil servants, and a senior staff course for senior civil servants. These courses include modules on organizational behavior, management theories, public administration in Bangladesh, organizational development, leadership, public policy, and development studies.

## 10.4 Conclusion

Although Bangladesh has successfully established a democratic government, it lags far behind in transforming a colonial administrative state into a propeople, accountable, and responsive administration. Historically, strong and benevolent governments have been revered by the people, and therefore state administration always believes in exercising power instead of ensuring popular participation in decision making. People seem happy to have an authoritative but benevolent administration instead of investing efforts to make administration accountable and transparent. During the post-liberation period, overenthusiasm on the part of the political leadership to establish control over a colonial-minded elite administration resulted in undue politicization that broke down the norm of merit and organizational discipline. Intense political competition between rival parties only made the politicization process unfettered. As a result, political loyalty and *tadbir* replaced the chain of command, merit, and experience principles in determining career mobility of the administrators. Despite these developments, the country has evolved from a colonial authoritarian state to a democratic state; administrators still cherish power and money and promote sectarian interests. Planned and far-reaching administrative reforms that are required to bring democratic administrative changes have not been undertaken so far. State-of-the-art academic departments have not yet been created in universities to produce a motivated and skilled workforce for the government and to design knowledge-based intervention tools and mechanisms to bring about required and necessary changes. The existing public administration departments in different universities have started losing their glory because of the disadvantageous position of public administration graduates in the public sector job market. Academic research in public administration has suffered due to the absence of committed and trained researchers, paucity of funds, politicization of teachers, almost automatic promotion, inadequate access to government information, and lack of cooperation from government agencies.

## References

Ahamed, E. (1980). Dominant bureaucratic elites in Bangladesh. In Khan, M.M. and Zafarullah, H.M., eds. *Politics and Bureaucracy in a New Nation Bangladesh*. Dhaka: Center for Administrative Studies.

Altekar, A.S. (1977). *State and Government in Ancient India*. Patna: Motilal Banarsidass.

Anisuzzaman, M. (1985). Administrative culture in Bangladesh: The public-bureaucratic phenomenon. In Khan, M.M. and Husain, S.A., eds. *Bangladesh Studies: Politics, Administration, Rural Development and Foreign Policy*. Dhaka: Centre for Administrative Studies, pp. 18–29.

BBS. (2011). *Statistical Pocket Book of Bangladesh 2010*. Dhaka: Bangladesh Bureau of Statistics, Statistics Division, Ministry of Planning, Government of the People's Republic of Bangladesh.

BEI. (2006). *Bangladesh: Administrative Barriers Review*. Dhaka: Bangladesh Enterprise Institute.

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Chaudhury, M.A. (1963). *The Civil Service in Pakistan*. Dhaka: National Institute of Public Administration.
Chaurasia, R.S. (2002). *History of Medieval India: From 1000 A.D. to 1707 A.D*. New Delhi, India: Atlantic Publishers & Distributors.
Edwardes, S.M., & Garrett, H.L.O. (1995). *Mughal Rule in India*. New Delhi, India: Atlantic Publishers & Distributors.
Ghoshal, A. (1944). *Civil Service in India: Under the East India Company*. Calcutta: University of Calcutta.
Global Integrity. (2011). *Global Integrity Report: Bangladesh 2010*. Can be accessed at http://www.globalintegrity.org/report/Bangladesh/2010/ (accessed on July 2, 2011).
Haque, M.A. (2009). Marketization of democracy: The risks in Bangladesh's democratic discourse. Paper selected for presentation in the AGS Conference in Paris in June 2009.
IFC. (2011). *Doing Business 2011: Bangladesh*. Washington, DC: International Finance Corporation, The World Bank.
Jackson, P. (1999). *The Delhi Sultanate: A Political and Military History*. New York: Cambridge University Press.
Jamil, I. (2007). *Administrative Culture in Bangladesh*. Dhaka: AHDPH.
Kangle, R.P. (1986). *The Kautiliya Arthashastra*. Delhi: Motilal Banarsidass.
Khan, M.M. (2009). *Bureaucratic Self Preservation: Failure of Major Administrative Reform Efforts in the Civil Service of Pakistan*. Dhaka: University of Dhaka.
Khan, M.M. (1986). Public Administration Training Centre: A critical overview. In Khan, M.M. and Husain, S.A., eds. *Bangladesh Studies: Politics, Administration, Rural Development and Foreign Policy*. Dhaka: Centre for Administrative Studies, pp. 58–78.
Khan, M.M. (1998). *Administrative Reforms in Bangladesh*. New Delhi: South Asian.
Khan, M.M. (2001). Teaching public administration in Bangladesh. *Teaching Public Administration*, 21(1), 16–28.
Khan, M.M., & Siddique, N.A. (1998). From colonial neglect to continuing under-provision: Public administration and education and training in Bangladesh. In Davis, M.R., et al., eds. *Serving the State: Global Public Administration and Training, Vol. 1: The Anglo-American Tradition*. Aldershot: Ashgate, pp. 55–79.
Khan, M.M., & Zafarullah, H.M. (1980). Public administration training in Bangladesh: A review, *International Review of Administrative Sciences*, 36(4), 369–376.
Khan, M.M., & Zafarullah, H. (2005). *The Bureaucratic Ascendency: Public Administration in Bangladesh: The First Three Decades*. Dhaka: AHDPH.
Majumdar, R.C. (2003). *Ancient India*. Delhi: Motilal Banarsidass.
Maniruzzaman, T. (1980). Administrative reforms and politics within the bureaucracy in Bangladesh. In Khan, M.M., & Zafarullah, H.M., eds. *Politics and Bureaucracy in a New Nation: Bangladesh*. Dhaka: Center for Administrative Studies.
Misra, B.B. (1959). *The Central Administration of the East India Company: 1773–1834*. Manchester University Press.
Misra, B.B. (1970). *The Administrative History of India: 1834–1947, General Administration*. London: Oxford University Press.
Misra, B.B. (1980). *The Bureaucracy in India: An Historical Analysis of Development up to 1947*. Delhi: Oxford University Press.
O'Malley, L.S.S. (1931). *The Indian Civil Service: 1601–1930*. London: John Murray.
Qureshi, I.H. (1971). *The Administration of the Sultanate of Delhi*. New Delhi: Oriental Books Reprint Corporation.
Qureshi, I. (1979). *The Administration of the Mughul Empire*. Patna: Janaki Prakashan.
Rahman, A.T.R. (1980). Administration and its political environment in Bangladesh. In Khan, M.M., & Zafarullah, H.M., eds. *Politics and Bureaucracy in a New Nation: Bangladesh*. Dhaka: Center for Administrative Studies.
Riggs, F.W. (1964). *Administration in Developing Countries: The Theory of Prismatic Society*. Boston: Houghton Mifflin.
Singh, U. (2009). *A History of Ancient and Early Medieval India: From the Stone Age to the 12th Century*. New Delhi: Pearson.
Sircar, D.C. (1974). *Studies in the Political and Administrative Systems in Ancient and Medieval India*. Delhi: Motilal Banarsidass.

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# *Chapter 11*

# Public Policy Processes and Citizen Participation in Bangladesh

Salahuddin M. Aminuzzaman

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## 11.1 Bangladesh Country Context

Bangladesh emerged as an independent and sovereign country in 1971 following a nine-month war of liberation. It is one of the largest deltas of the world, with a total area of 147,570 square kilometers. Bangladesh is one of the most densely populated countries of the world, with a population of 152.51 million (2011). The majority of Bangladeshis (76%) live in rural areas. However, the population growth rate (1.5%) is lower than that of most of its neighboring countries. Bangladesh's per capita income is close to $700. The Bangladesh economy has grown at around 6% in recent years, and inflation has remained below 7%.

Bangladesh has a parliamentary form of government with a multi-party political system. The prime minister is the head of government. Executive power is exercised by the government. Legislative power is vested in both the government and Parliament. However, over the last decade or so, Bangladesh's politics, economy, and society have gone through a turbulent political process resulting in a weak policy formulation and implementation, and a lack of adequate institutional reforms is weakening the economic and developmental prospects of the country (Khan 2010). From ethnic and linguistic points of view, Bangladesh is one of the most extraordinarily homogeneous countries in the world. Yet, politically it is so deeply divided that it ranked 29th in the Failed State Index (FSI) in 2012, according to a recently published report of The Fund for Peace.*

Bangladesh has made commendable progress in meeting different development challenges, including sound macroeconomic management, consistent gross domestic product (GDP) growth, and economic stability. During the 1990s and onward, Bangladesh notably improved both its economic performance and human development indicators.† Bangladesh's experience also shows

* The FSI focuses on the 12 different indicators of risk, such as Demographic Pressures, Refugees and IDPs, Group Grievance, Human Flight, Uneven Development, Poverty and Economic Decline, Legitimacy of the State, Public Services, Human Rights, Security Apparatus, Factionalized Elites, and External Intervention. The report is published by FFP. For detail, see http://www.fundforpeace.org.

† Since 2000, the growth of GDP was around 5%, and the population growth rate fell from 2.4% to 1.5% in the last two decades. Progress in human development indicators shows Bangladesh ranked among the top performers in the UNDP Human Development Index. The index of human poverty declined from 63.1 in 1981–1983 to 34.8 in 1998–2000. The head count poverty index declined from 70% in the early 1970s to 50% in 2000.

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that it is possible to make rapid initial progress in many social development indicators by creating awareness through successful social mobilization campaigns and by reaping the gains from affordable, low-cost solutions. Nevertheless, in Bangladesh, not all changes have taken place according to political, economic, and social expectations. There have been unanticipated consequences of reforms and unintended changes, much to the dismay of citizens. After almost four decades of independence, the country faces major development challenges in terms of better governance and implementing citizen-friendly policies.

Even with a significantly reduced and declining dependence on foreign aid, the economy appears to be moving from stabilization to growth. Compared to other developing countries, Bangladesh has done well during the last four decades.* Unfortunately, the major bottlenecks have been political turmoil and governance and policy deficits. These have impeded achieving an optimal trajectory of development. Socioeconomic achievements in Bangladesh may be termed a development paradox. On the one hand, the concern is how Bangladesh could achieve such economic growth with the falling scale in the conventional indicators of "governance," and, on the other hand, how the economic growth momentum could withstand the "weakening" of the institutions of political governance and public policy making (Ahluwalia and Mahmud 2004).

## 11.2 Constitutional and Legal Framework of Policy-Making in Bangladesh

Part II of the constitution of Bangladesh (Fundamental Principles of the State Policy: Article no. 8-25) provides the outline of public policies and development goals, objectives, and strategies. There are as many as 25 articles under Part II of the Bangladesh constitution that describe the fundamental principles of the state policies. Part II provides a clear outline for formulation of public policies and development goals, objectives, and strategies. Fundamental principles of the state policy as elaborated in the constitution categorically emphasized the issue of meeting the basic needs of the people, vested on the state the responsibility to attain, through planned economic growth, a constant increase of productive forces, and steady improvement in the material and cultural standard of living of the people, with a view to securing the citizens (1) the provision of the basic necessities of life, including food, clothing, shelter, education, and medical care; (2) the right to work, that is, the right to guaranteed employment at the reasonable wage having regard to the quantity and quality of work; (3) the right to reasonable rest, recreation, and leisure; and (4) the right to social security.

The sixth five-year plan (SFYP 2010) provides the broader framework of public policy in Bangladesh. One of the major guiding principles of the plan is to promote and guide the private sector to achieve the goals set in Vision 2021 of the Government of Bangladesh, which also equally emphasizes the provisions for instituting regulatory policies for safeguarding public interests. Keeping in view the constitutional framework and the SFYP, the Government of Bangladesh has stressed the following major policy interventions: (1) improving macroeconomic management;

* Since 2000, the growth of GDP was around 5%, and the population growth rate fell from 2.4% to 1.5% between the last two decades. Progress in human development indicators shows Bangladesh ranked among the top performers in the UNDP Human Development Index. The index of human poverty shows a decline from 63.1 in 1981–1983 to 34.8 in 1998–2000. The head count poverty index declined from 70% in the early 1970s to 50% in 2000.

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(2) promoting a competitive private sector; (3) promoting better public-sector management and better public services; (4) accelerating agricultural growth and rural development; and (5) promoting faster and fairer human development through a long-term intervention in education, health, nutrition, and population. Furthermore, in the light of the long-term vision, the government has identified five priority areas for medium-term action: (1) maintenance of macroeconomic stability and control over commodity price hikes in the face of the present global economic crisis; (2) effective action against corruption; (3) power and energy; (4) elimination of poverty and inequality; and (5) the establishment of good governance.

The Government of Bangladesh has also formulated a perspective policy document entitled "Steps towards Change: National Strategy for Accelerated Poverty Reduction" (also known as PRSP-2). The document provides five strategic frameworks of policy thrust. These include macroeconomic environment for pro-poor growth, identifying critical areas for pro-poor growth, development of essential infrastructure for pro-poor growth, creation of social protection for the vulnerable, and comprehensive human development. In the light of the SFYP and the PRSP-2, the thrust areas of policy emphasis of the Government of Bangladesh currently centers around the following thematic areas of concentration: (1) improving macroeconomic management; (2) promoting a competitive private sector; (3) promoting better public-sector management; (4) accelerating agricultural and rural development; (5) promoting faster human development through intervention in education, health, nutrition, and population planning; (6) poverty reduction/alleviation/Millennium Development Goals (MDGs); (7) strengthening local government system and decentralization; (8) transparency and accountability; and (9) access to information and e-governance.

There are a plethora of policies in Bangladesh, but their proper translation and implementation are being questioned. There is hardly any system or process to make any assessment or evaluation of the long-term policies like five-year plans. A former planner rightly observed that the real problem lies with the lack of political support for the plans and policies as well as limited understanding of the policy planners on ideological premise of the policy and its implications. In some cases, policy planners tend to make overly optimistic assumptions in drawing up the plan with inadequate understanding of the importance of governance in the implementation of the plan. As a result, most of the plan failed to achieve its objectives (Islam 2003). Another study observed that although there are efforts of interministerial consultative process, policy is still found to be inconsistent and unpredictable—numerous policies suffer sudden reversal or changes in direction. A World Bank study therefore concluded that public policies in Bangladesh generally "lack responsiveness" and are usually "symbolic," having "weak commitment at the bureaucratic and political level and lack political vision" (World Bank 1996). Most Bangladeshis therefore view policy announcements with considerable skepticism—viewing them more as a token response to donor demands rather than as genuine commitment to change, and some policies are often considered as populist stunts only (Aminuzzaman 2009b).

## 11.3 Institutional Structure of Policy-Making in Bangladesh

### *11.3.1 The Cabinet*

Like many other parliamentary forms of government, the cabinet is the highest policy-making body in Bangladesh. As per the clause of the Rules of Business 1996, section 4(ii), "no important policy decision shall be taken except with the approval of the cabinet." The cabinet is the ultimate

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authority for approving a policy. In addition to many others, the following policy-related issues must be cleared by the cabinet. These include (1) all cases related to legislation, including promulgation of ordinances; (2) cases involving vital political, economic, and administrative policies; and (3) proposals relating to a change of any existing policy or cabinet decisions (Government of Bangladesh 1996). The cabinet has its own structure to assess and examine selected policies through different cabinet committees. In what follows are the names of some of the cabinet committees on selected policy areas.*

### *11.3.2 Ministry*

The ministry† is a self-contained administrative unit responsible for the conduct of business of the government in a distinct and specified sphere.‡ The minister is responsible for policy matters concerning his/her ministry and for implementation thereof. The minister is also responsible for conducting the business of his/her ministry in Parliament. The secretary is the official head of the ministry and is responsible for the administration and discipline and for the proper conduct of the assigned business. The secretary, who is also the principal accounting officer of the ministry, its attached departments, and subordinate offices, keeps the minister in charge informed of the working of the ministry.

At the ministerial level, the minister in charge is responsible for conducting the business of the ministry/divisions. The major responsibility of the ministry as per the Rules of Business Section 4 (ix) is "policy formulation, planning and evaluation of execution of plan." The role of the ministry covers the following: (1) policy making; (2) planning (corporate, long and short range); (3) evaluation of execution of plans; (4) legislative measures; (5) assisting the minister in discharging his/her responsibilities to Parliament; (6) personnel management at the top level, that is, officers not below the rank of member/director in cases of public corporations/autonomous bodies, and officers not below the rank of salary grade vii; and (7) other matters determined by the prime minister.

### *11.3.3 Interministerial Consultation*

When the subject of a case concerns more than one ministry/division, there must be an interministerial consultation. In such cases, without consultation, no policy can be submitted to the prime minister or the cabinet. However, in case of urgency and with the approval of the prime

* The Cabinet Committee includes the following: Food Planning and Monitoring Committee, Senior Appointment, Promotion and Service Structure Committee, National Award Committee, Government Purchase Committee, Committee on Pay Fixation, Committee on Foreign Employment, Committee on Urgent and National Interest, Committee on Finance and Economic Affairs, Committee on Foreign Affairs, and Committee on Law and Order.

† The ministry is composed of a division or a group of divisions. A division means a self-contained administrative unit responsible for the conduct of business of the government in a distinct and specified sphere and declared as such by the government. Each of the divisions is headed by a secretary. He is the administrative head of a division or a ministry. Each division has a wing, which is a self-contained subdivision of a ministry division for conducting specified duties of a distinct nature and which is headed by a joint secretary or an additional secretary. Wings are further divided into sections, the basic working units in a ministry/division that are headed by an assistant secretary/senior assistant secretary.

‡ At present, there are 37 ministries and 17 divisions. Each ministry has at least one division, and relatively larger ministries have two or more divisions. In addition, there are independent divisions enjoying the status of a ministry but not necessarily attached to any ministry.

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minister, this requirement may be dispensed with, but the issue should be brought to the notice of the ministry/division concerned at the earliest opportunity thereafter.

If the concerned ministries/divisions cannot reach an agreement, the minister, after consultation with other ministers, can submit the policy matter to the prime minister. The Ministry of Finance and Ministry of Law, Justice and Parliamentary Affairs play very significant and important roles in the public policy formulation and approval process. The Rules of Business [Article 14 (4)] clearly sets out that the "Finance Ministry should be consulted on all economic and financial questions arising out of any case and in particular: a. preparation of export programme and import policy; b. negotiation of trade and barter agreement; c. determination of tariff policy; d. determination of pricing policy; e. determination of investment policy and f. determination of labour policy."

Similarly, consultation with the Ministry of Law, Justice and Parliamentary Affairs is obligatory in terms of (1) all legal proposals for legislation; (2) all legal questions arising out of any law; (3) preparation of any contracts, international agreements, and international conventions pronouncing and modifying international law; (4) the interpretation of any law; (5) before the issue of or authorizing of the issue of a rule; and (6) regulation or bylaw in exercise of statutory power.

### *11.3.4 Secretaries Committees*

In addition to the cabinet committees, there are also two standing secretaries committees to oversee the administrative arrangement as well as policy issues of the government. These committees are the Secretaries Committee of Administrative Development and the Secretaries Committee. The Secretaries Committees are generally involved in routine policy matters concerning the operational and administrative matters with specific terms of references.

### *11.3.5 The National Economic Council*

The National Economic Council (NEC) is the highest authority to approve major economic policies and development strategies. It is assigned to formulate the national policy and objectives for long-term plans. The ministries are responsible for adopting their policies, plans, and programs according to the objectives and priorities set by the NEC. The NEC consists of all members of the council of ministers and is chaired by the prime minister. Members of the Planning Commission and secretaries in charge of all ministries and divisions are expected to attend the meeting. In addition, the following officials are required to attend the Executive Committee of the NEC (ECNEC) meeting: cabinet secretary; member (programming) planning commission; member (general economic division) planning commission; member (concerned division) planning commission; governor, Bangladesh Bank; secretary, economic relations division; secretary, finance division; secretary, planning division; secretary, IMED division; and secretary of the concerned ministry. The secretariat's services to the council are provided by the Ministry of Planning.

The NEC performs the following functions:

- Provide overall guidance at the stage of the formulation of five-year plans, annual development programs, and economic policies
- Finalize and approve plans, programs, and policies
- Review progress of implementation of development programs
- Take such other decisions and actions as may be considered necessary for socioeconomic development

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- Consider and approve Development Project Proposals (DPP) for all investment projects
- Consider and approve public-sector projects having investment expenditure of above Tk 25 crore ($3.1 million) with prior recommendation of Pre-ECNEC meeting
- Review the progress of the implementation of development projects
- Consider proposals for investment companies as private, joint ventures with foreign participation
- Monitor the economic situation and review overall performance of the economy and related policy matters
- Consider the performance of statutory corporations, especially their financial performance
- Consider rates, fees, and prices of public utility services or products of public enterprises
- Consider and approve yearly targets of foreign aid, expansion of trade, and export of manpower, as well as reviews the progress of the yearly targets

### *11.3.6 Planning Commission*

The Planning Commission is the central planning body of Bangladesh. It is a body of professionals and sector specialists engaged in the formulation of macro as well as micro economic plans and policies of the government. The Planning Commission is composed of six divisions. These are (1) general economics division, (2) programming division, (3) socioeconomic and infrastructure division, (4) agriculture water and rural institution division, (5) industry and power division, and (6) physical infrastructure division.

The Planning Commission is entrusted with the functions of preparing national plans and programs according to the directives of the NEC. The commission through multi-sectoral input–output models makes macroeconomic projections and sets output targets for the sectoral activity at different time frames such as long-term perspective plans, namely five-year plans, rolling plans, and so on. Although responsibilities from planning to execution are shared between the administrative ministries and the Planning Commission, the planning process starts with the mapping of economic trends and identification of alternative possibilities by the commission, leading to formulation of the technical framework of a plan. Ministries and agencies participate indirectly in these technical works as a source of information.

Through the formulation of five-year plans and annual development plans, the Planning Commission in effect translates the ideas, aspirations, and commitment of the party in power. The Planning Commission launches detailed economic, financial, and technical appraisal of projects and mobilizes resources for their implementation in consultation with the Finance Division and the Economic Relations Division of the Ministry of Finance.

#### *11.3.6.1 General Economic Division*

The general economic division (GED) in particular deals with the general macro issues of the national economy. Major functions of the GED include (1) evaluation of plans and policies; (2) review of macroeconomic situations covering national income, international economic relations, savings and investments, fiscal and monitory situations, employment, and other macroeconomic aspects of the economy; (3) determination of macroeconomic policies; (4) coordination of preparation of plans such as prospective five-year and annual plans; and (5) coordination of research on macroeconomic issues.

The functions of the program division include (1) determination of the sizes of the annual development programs (ADPs) and sectoral allocations/proportions; (2) formulation of ADPs and

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revision of ADPs; (3) preparation of annual technical assistance programs (ATAP) and revision of ATAP; (4) release of ADP funds in relevant cases; (5) overseeing implementation of ADP projects; (6) determination of external assistance requirements for ADP financing; (7) preparation of the list of aid-worthy projects before the Bangladesh Development Forum Meeting; (8) preparation and interpretation of the guidelines for local government development; and (9) overseeing formulation and implementation of local government development programs and coordination with the finance division, Economic Relations Division (ERD), and the local government division.

Other sectoral divisions deal with the planning and policy issues of different sectors of the national economy. Functions of the sectoral divisions are as follows: (1) formulation of sectoral plans consistent with macro planning objectives; (2) coordination of sector development programs consistent with the sectoral plans; (3) processing of development projects, including project appraisal and serving as the secretariat of the sectoral project evaluation committees; (4) preparation of sectoral ADPs in consultation with the sectoral ministries and agencies; and (5) formulation of sectoral development and planning policies.

First and second five-year plans used a model popularly known as an input–output framework based on a multi-sectoral consistency model. Consistency in such a framework implies that the supply of each sector's output is matched by demand generated by inter-sectoral and final use at the base-year relative price. The applied general equilibrium model is being used in the preparation of third and fourth five-year plans that explicitly deal with the social accounting matrix. As a radical departure from the traditional planning model, the fifth plan framework rests more on flexible projections and forecasts of incremental change in various development parameters than on rigid targets for realization during the plan period. An input–output model has been used to project both sectoral growth as well as sectoral investment. The sixth five-year plan* is based on a social planning model in which welfare indicators, both monetary and non-monetary, are placed at the center. There is also increasing emphasis on the participation of the beneficiaries and the private sector in the sixth five-year plan.

### *11.3.7 Parliamentary Committees*

The parliamentary committees in Bangladesh derive their authority from Article 76 of the Constitution of the People's Republic of Bangladesh. The constitution envisages three types of committees in Parliament:

1. Committees specifically mentioned in Article 76(1)(a) and (b) in the constitution. These are the Public Accounts Committee and the Committee of Privileges.
2. Standing committees as required by the Rules of Procedure of Parliament [Article 76(1)(c)] such as the Business Advisory Committee, Committee on Private Member's Bills and Resolutions, Committee on Petitions, Committee on Estimates, Committee on Public Undertakings, Committee on Government Assurances, House Committee, Library Committee, and Standing Committee on Rules of Procedure.
3. Standing committees are constituted under Article 76(2) to (1) examine draft bills and other legislative proposals, (2) review the enforcement of laws and propose measures for such enforcement, and (3) investigate matters of public importance or inquire into the activities

* It is to be noted that for the first time in the history of Bangladesh, the draft of the sixth five-year plan has been prepared by a private think tank under the guidance of the planning commission.

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of a ministry, referred to the committee by Parliament. The Select Committee on Bills, the Standing Committee on certain other subjects (which are standing committees on each ministry), and the special committees belong to this category.

According to the constitutional provision (Article 76), Parliament appoints from its members some standing committees and other function-specific committees to run the parliamentary affairs. There are 48 ministerial standing committees and a little over 100 other subcommittees of Parliament. The important committees that regulate the activities of the public administration system in the republic are the Public Accounts Committee, the Estimates Committee, and the Public Undertakings Committee.

### *11.3.7.1 Public Accounts Committee*

The functions of this committee include the examination of accounts showing the appropriation of sums granted by the house for government expenditure, the annual finance accounts of the government, and such other accounts laid before the house. In scrutinizing the appropriation accounts and the report of the comptroller and auditor general, it is the duty of the committee to ensure that the money shown in the accounts has been used for the stated purposes, that the expenditure conforms to the authority governing it, and that reappropriation has been made in accordance with the rules framed by competent authority. The committee shall also examine the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes, expenditure of autonomous and semi-autonomous bodies, and so on.

### *11.3.7.2 Committee on Estimates*

The Committee on Estimates examines all estimates referred to it. It is the function of this committee to report on economies, improvements in organization and efficiency, and administrative reforms underlying the estimates that may be affected. It examines whether the money is laid out within the limits of the policy implied in the estimates and suggests the form of presentation of estimates before the house.

### *11.3.7.3 Committee on Public Undertakings*

The Committee on Public Undertakings examines reports and accounts relating to 25 public undertakings as specified in Schedule 4 of the Rules of Procedure as well as reports of the comptroller and auditor general on public undertakings. It considers the extent of autonomy of the public undertakings and examines possible deficiencies. It sees to it that these undertakings are managed in conformity with sound business principles and prudent commercial practices.

### *11.3.7.4 Committee on Petitions*

The Committee on Petitions is supposed to review every petition referred to it by the speaker. The committee is supposed to report to the house on specific complaints made in the petition referred to it and suggest remedial measures in a concrete form.

However, the empirical evidence suggests that over the years, parliamentary committees have not been able to emerge as an important site of policy-making and as scrutinizers of government policies. Nor did their work arouse any serious public or political interest. Moreover, the committees

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generally do not possess any executive power; what they mostly do is to recommend actions for improvement (Ahmed 2001, 2012).

## 11.4 The Policy-Making Process in Bangladesh

The broad policy and regulatory framework generally fall under the direction subsumed under an act of Parliament. If such an act does not exist with respect to a particular policy to be initiated, then the policy must be ultimately ratified through legislation. In such cases, it is usually the cabinet that makes the decision to formulate the new policy and entrusts the relevant ministry to draft the policy document. Sometimes a ministry has special agencies or institutions delegated with the task of policy-making and coordination.

The relevant ministry then forms a task force that is entrusted with formulating the policy outline. This task force is comprised of senior ministry staff (normally a joint secretary or equivalent) acting under the direction of the secretary of the ministry. The task force may include members from other ministries as well, if there is overlap in objectives or if outcomes can be achieved only through inter-ministerial collaboration. The task force then deliberates over the contents of the policy document, weighs the options, assesses the objectives, and drafts the document on these bases. It may, on occasion, engage domestic or international consultants to provide the background research framework for the document, guided by the overall goals of the policy. Donor funding may sometimes be used for technical assistance related to the formulation of the policy document in accordance with the task force's guidelines. The task force then finalizes the document in line with the ministry's objectives.

Once prepared, the draft policy document is sent to relevant ministries for clearance. This usually includes the Ministry of Law and the Ministry of Finance for comments on all legal and financial implications. Other ministries may also be asked for comments if it is determined that the policy involves their scope of interest as well. The draft is then revised accordingly. Several rounds of comments and counter-comments may be involved before a consensus is reached.* The revised document is then sent for cabinet review and approval. In the context of full cabinet review, other ministries have an opportunity to formally review and comment on the proposed policy draft and to raise issues for clarification by the initiating ministry. The cabinet may summon external advisors to comment on the policy paper, but this rarely happens, as the final draft usually has already taken account of such comments and incorporated whatever is politically feasible. Full cabinet approval may involve further comments and rewriting the document.

The revised policy document is then placed before the relevant parliamentary committee. This committee reviews the document and may require further revisions before approving it. The document is then reviewed by the Parliamentary Standing Committee on Law, with a particular focus on the legal dimensions and integrity of the proposed draft. As noted in Chapter 2, the internal working dynamics of the committee will determine the scope for debate and the weight that alternative views are given. Following Standing Committee review and approval, the draft is passed to the concerned ministry for further submission to the cabinet and subsequent placement in Parliament as a bill. (see Figure 11.1 for the dynamics of policy making)

* For example, the formulation of a career planning policy and the Civil Service Act were initiated by the then-Ministry of Establishment (MOE) in early 2007. It has been more than five years of discussion, consultation, and review, yet none of the two major policy decisions have been made by the Ministry of Public Administration (formerly the MOE).

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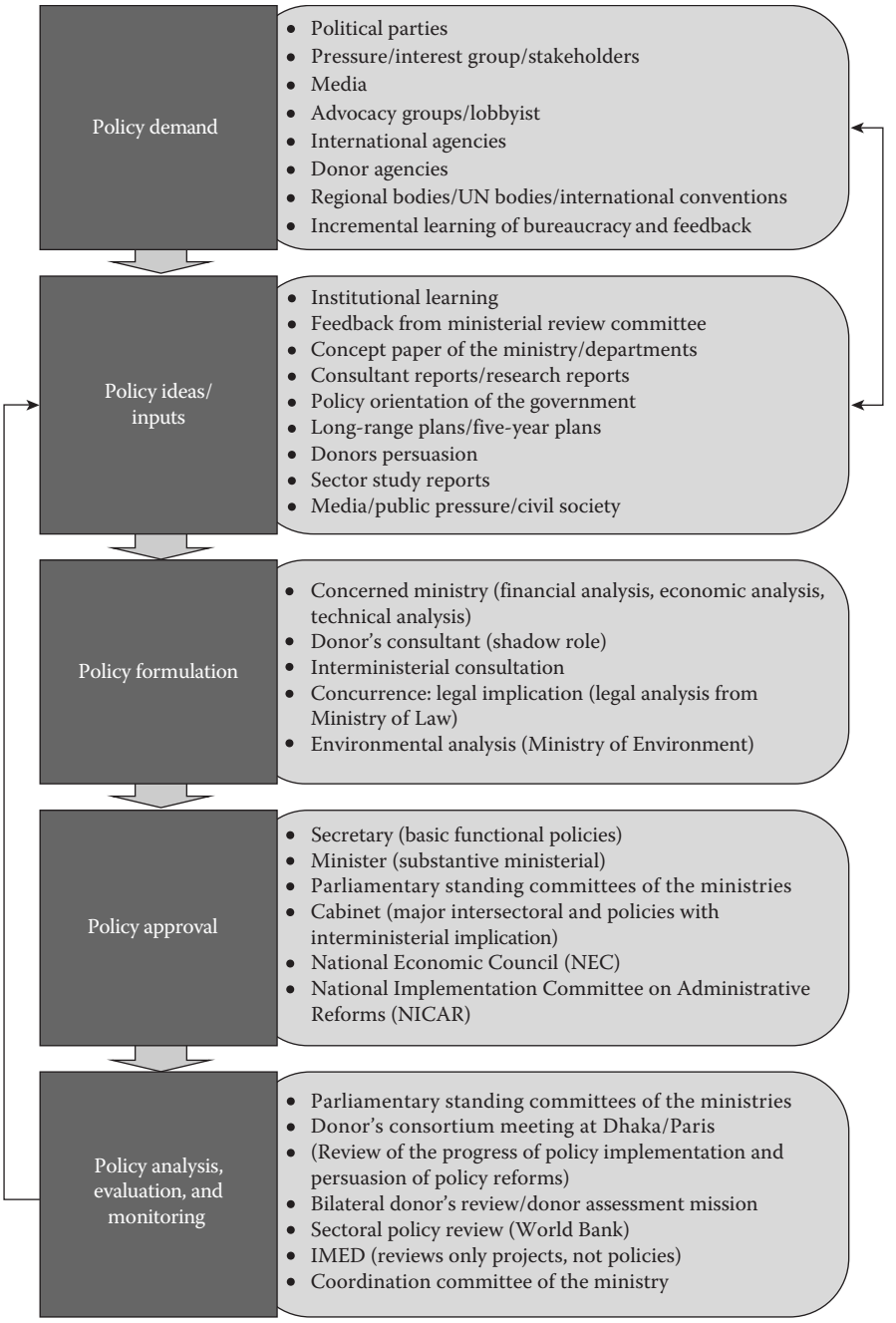
Policy demand
Political parties
Pressure/interest group/stakeholders
Media
Advocacy groups/lobbyist
International agencies
Donor agencies
Regional bodies/UN bodies/international conventions
Incremental learning of bureaucracy and feedback
Policy ideas/ inputs
Institutional learning
Feedback from ministerial review committee
Concept paper of the ministry/departments
Consultant reports/research reports
Policy orientation of the government
Long-range plans/five-year plans
Donors persuasion
Sector study reports
Media/public pressure/civil society
Policy formulation
Concerned ministry (financial analysis, economic analysis, technical analysis)
Donor's consultant (shadow role)
Interministerial consultation
Concurrence: legal implication (legal analysis from Ministry of Law)
Environmental analysis (Ministry of Environment)
Policy approval
Secretary (basic functional policies)
Minister (substantive ministerial)
Parliamentary standing committees of the ministries
Cabinet (major intersectoral and policies with interministerial implication)
National Economic Council (NEC)
National Implementation Committee on Administrative Reforms (NICAR)
Policy analysis, evaluation, and monitoring
Parliamentary standing committees of the ministries
Donor's consortium meeting at Dhaka/Paris
(Review of the progress of policy implementation and persuasion of policy reforms)
Bilateral donor's review/donor assessment mission
Sectoral policy review (World Bank)
IMED (reviews only projects, not policies)
Coordination committee of the ministry

**Figure 11.1 Dynamics of policy making.**

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## 11.5 Stakeholders of Policy Formulation in Bangladesh

Policy making in Bangladesh cannot be described as a linear process. Many times, policy is discovered to have been made after the decisions have been taken or other options eliminated through political positioning of key players.* The major stakeholders in the policy formulation process in Bangladesh would include the following: Parliament, political parties, bureaucracy, military, nongovernmental organizations (NGOs; civil society), the private sector, the media, and the donor community.

### *11.5.1 Parliament*

Despite its constitutional position, Parliament has become merely the "law-approving body." It has failed to hold the executive organ of the state accountable and play the "consensus-building" role due to a dotted history of political turmoil, amendments to the constitution, and changes in political dimension and actors. The role of Parliament in the policy process is peripheral, yet still inherently important. While issues are rarely discussed in Parliament and the committees, if they meet at all, are routinely ignored by the ministers, who curiously hold the position of chair, it remains the one forum for discussion and compromise universally recognized as legitimate by the Bangladesh public. A consequence of the lack of involvement of members of parliament (MPs) in the policy and legislative process is a preoccupation for the procurement process or, more succinctly, the distribution of patronage (Mahmud, Ahmed, and Mahajan 2008).

Major characteristics of a strong legislature such as discourse and deliberations are virtually absent in Bangladesh, and the external political context has largely determined the mode of parliamentary performances in post-1990s Bangladesh. Political intolerance, confrontational politics, and a "winner-take-all" attitude halted Bangladesh's advancement on the path to a sustained democratic culture. Parliament has unfortunately failed to deliver the key tasks of representation, legislation, oversight of the executive, and conflict resolution, and thus has contributed insignificantly in promoting good governance.

Parliamentary discussions have not only lost contents and essence, but are also characterized by filthy language, unparliamentary appellation, and intemperate exchanges in parliamentary deliberations. Transparency International's Bangladesh Parliament Watch Report 2009 (TIB 2009a) noted that the opposition party did not receive its due share in the parliamentary processes. Out of 237 questions put to the ministers, the shares of ruling party and opposition members were 88.9% and 11.1%, respectively. The study also observed that undue eulogy of leaders was uttered 251 times, objectionable and direct criticisms to opposition were made 342 times, and irrelevant subjects were raised as many as 503 times. Prolonged and periodic walkouts by the opposition even on unnecessary grounds characterized the vulnerability and a low level of credible transactions of parliamentary sessions. Although the election manifestos of various parties made broad general statements concerning the poor and poverty, ironically pro-poor issues did not receive due attention in the parliamentary discussions and debates.

There were hardly any deliberations on making demands or suggesting changes in the policy or process or proposing new law/rules to address issues of the poor. A study further revealed that there is a "conceptual confusion" among MPs in understanding and or operationalizing pro-poor issues (Aminuzzaman 2004). The Parliament of Bangladesh has gradually degenerated into a mere instrument of regime maintenance and provides legitimacy to the ruling regime to govern.

* Interview with Dr. Akbar Ali Khan, former cabinet secretary and adviser to the caretaker government, October 2011.

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### *11.5.2 Political Parties*

Political culture in Bangladesh is thus characterized by confrontation and intolerance. The elections of 1996, 2001, and 2008 were preceded by a long opposition boycott of Parliament. The political parties are considered a safe abode for criminals, terrorists, and extortionists (TIB 2009b). Unfortunately, over the years, the quality of Parliament as the prime institution to maintain, uphold, and safeguard democratic principles has dwindled, and subsequently an alarming increase of an unholy alliance of money and muscle power in politics has taken place. The parliament is populated by MPs, many of whom have allegedly made financial "investments" in their nomination by their party. It appears that the wealth of candidates is a more important factor in determining electoral nomination and success than local credibility and their ability and willingness to represent the interests of constituents. The political system has been ruined by a new process of "criminalization and commercialization" of politics. Political party funds are also collected directly from leading businessmen and industrialists. Such funds are often donated out of a vested interest in anticipation of favors in return and are often collected in the form of extortion. Furthermore, the business elites are gradually taking control of Parliament. In the current ninth-Parliament, 63%, or 188 MPs out of total of 345 including 45 lawmakers elected to reserved seats for women are businesspersons (Liton 2011).

The ruling parties in Bangladesh have been almost always engaged in establishing their hegemonic control over the use of public resources to further their partisan interests under the facade of public interest. The public policy-making process is thus characterized "as the outcome of incentives created by patronage politics as opposed to the compulsion for the government to play an effective developmental role" (Mahmud, Ahmed, and Mahajan 2008).

Political parties are also allies to weak and poor agents of democratic transformation. Party programs and ideologies seldom mobilize voters during elections. All major parties bank on a populist approach of rhetoric, symbolism, and sentiments as the major instruments for mobilizing voters. A favorite weapon to harass a sitting government is *hartal*,* a general strike that paralyzes most economic activities, especially transport, sometimes for days. Bangladesh is further characterized by high levels of competition between major parties, absence of intraparty democracy, highly centralized decision making, and personalization of internal party structures. These have a negative impact on the overall governance of the country.

### *11.5.3 Civil Service*

The civil service of Bangladesh still retains several characteristics of its colonial predecessors. The emphasis was on having powerful, even authoritarian administrators, rather than on having experts. As the task of a modern government has grown more complex, the machinery of Government of Bangladesh has not kept pace. The expertise necessary for specialized posts in many positions is not available. Specialized policy experts are in particularly short supply. The lack of a clear policy role for the civil service has affected implementation as it reduces the bureaucracy's commitment to government policy as opposed to political whims.

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* *Hartals* can be described as a temporary suspension of work in business premises, offices, and educational institutions and the movement of vehicular traffic nationally, regionally, or locally as a mark of protest against actual or perceived grievances called by a political party or parties or other groups. There were 827 days of *hartal* during 1991 and 2002, and 147 days during 2002–2004. The estimated figure shows that the average cost of *hartals* to the economy during the 1990s was 3% to 4% of GDP. See *Beyond Hartal—Towards Democratic Dialogue in Bangladesh*, March 2005.

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The organization of the Government of Bangladesh is overly complex and often overlapping. For example, there are 68 different government bodies dealing with the power sector. Eight different major agencies deal with issues of child health. New layers and divisions within ministries have been added by each successive government. No effort is made to rationalize or eliminate the existing agencies. This has led to considerable overlap, duplication, and "turf battles" as to jurisdiction and responsibility. Internal politics as well as politicization of key and strategic positions within the civil service have made it vulnerable to outside influence.

Furthermore, a significant proportion of the political leaders have a working experience of serving in government and or elected positions, which makes them dependent on career civil servants in making policy decisions. Thus, the senior civil servants tend to get an upper hand in making critical policy decisions. Civil servants also play a significant role in stalling major policy decisions that directly or indirectly affect their power, privilege, and interest (Khan 2010).

### *11.5.4 Military*

The armed forces of Bangladesh as such do not play a formal and direct role in the policy-making process but play a substantial informal role. However, during the military regime, from 1982 to the early 1990s, the army became a very powerful institution. Different reform committees were created by the army primarily for designing decentralization schemes,* structural reform of the public bureaucracy,† relief management, and so on. The army also helped the government in drafting the Local Government Act for the Chittagong Hill Tracts (CHT) region. As a matter of fact, it was perhaps the first formal engagement of the army in assisting the draft of an act. Soon after the coup of January 11, 2007,‡ the military formed 17 different think tank groups (TTG)§ to study various aspects of public administration and governance issues/problems that need to be addressed on a priority basis. The reassertion of the military into the political affairs of the country during the immediate past caretaker government (2006–2008) reawakened many concerns as to their role. However, the military's role in the current climate appears to be more of a dormant veto power than an active one. Yet, the military remains potentially a voice in policy matters if the political situation becomes unstable or they perceive their interests being threatened.

### *11.5.5 Nongovernmental Organizations*

Over the last three decades, NGOs have curved out a significant space in the overall development management in Bangladesh. By now, Bangladesh is known globally for its large, varied, and generally admirable NGOs and civil society. It is estimated that around 25,000 NGOs exist around

* The scheme was designed by a high-powered team composed of two major generals and a senior member of the bureaucracy. Later, the scheme was known as the Upazila system.

† The reform package was initiated by a committee led by Brigadier General Enam; it was later popularly known as the Enam Committee.

‡ After more than 2 months of political agitation and civil unrest over the formation of a caretaker government and the demand from the combined oppositions for various reforms for free and fair elections, on January 11, 2007, the army staged a silent "constitutional coup" and insisted that then-president resign as the chief of the caretaker government. A new caretaker government was formed with the blessing and support of the armed forces.

§ The 17 different think tank groups are Shipping and Port Management, Food and Disaster Management, NGO Governance, Security Affairs, Electricity and Power, the Local Government Engineering Department, the Ministry of Liberation Affairs, Energy, Anticorruption, Monitoring of Government Affairs, Commerce and Food, Law and Order, Health and Law, Labour and Culture, Local Government and Foreign Affairs, Finance and Planning, and Education.

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the country (World Bank 2006). BRAC is considered to be the world's largest NGO and has started to work internationally; its reputation for efficiency and cost-effective delivery of education and basic health programs has won many awards and praise. The success that Bangladesh has had in making its MDGs owes a lot to the NGOs who are providing many basic services.

In terms of policy conceptualization, especially social policy, the NGO community has to a great extent filled the void left by the state's inattention to policy reform. NGOs have played a significant role in the formulation process of environment policy, right to information policy, women and child right policies, and so on. In this process, the NGOs have been heavily supported by donors with funds, technical assistance, and consulting support. In many cases, the donor played a go-between role between the NGO and the government. In many cases, the government also utilized the NGOs in mobilizing public opinion in favor of a policy. Some leading NGOs even provided research and consulting support to the government in the policy formulation process. In some other cases, NGOs operated as policy transfer actors. In selected cases, the NGOs have played a role of intermediary between the donor and the government.

However, some civil servants argue that the NGOs have a "lot of ideal models and ideas" but generally these are "not consistent and practically not relevant to the actual need and demand of economic growth, poverty alleviation, and social security." They also lack appropriate methodological approaches in designing a comprehensive policy package to address the challenging development issues. Most of their policy advocacy and policy inputs are too ambitious and devoid of political reality and thus are not sustainable. Most importantly, since they do not have a political constituency, their voice can easily be undermined. Furthermore, NGOs are labeled as the torchbearers of the policy agenda of the international donor community rather than the genuine demand of the political masses.

### *11.5.6 Private Sector*

The private sector over the last two decades has emerged to be a strong stakeholder in the policy-making process. In the present parliament, one-third of all MPs had direct commercial interests in the export garment industry, the nation's largest exporter.* Business leaders-cum-MPs directly and indirectly play significant roles in the fiscal policy formulation process. The best example of such influence is the relaxation of policy for the whitening of black money. As a policy decision of the present Awami League, the government has announced that under no circumstances will anyone be allowed to whiten black money (undeclared hidden money) through investing in some of the selected sectors.† Even the prime minister and the finance minister categorically noted that the government will not "encourage corruption and plundering of public resources" by extending such policy. However, in the subsequent budget, the provision for whitening black money in some selected sectors has been maintained. Ironically, exempted sectors where black money has been allowed for investment include housing, real estate, land development, and share market; these belong to a number of strong corporate houses with strong political connections. Furthermore, a large number of the direct beneficiaries were the ruling and opposition MPs representing the private sector. It therefore appears that there is a strong nexus between the growing private sector and

* For example, the NDI database on the backgrounds of MPs in the last parliamentary session. These are no longer available on the website www.ndibd.org but can be made available by the author.

† This policy was pursued by the then Bangladesh Nationalist Party government to facilitate investment of undeclared black money in the mainstream business with a provision of nominal income tax and an assurance of impunity.

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the MPs. This newly emerged nexus has become a strong and effective policy actor in contemporary Bangladesh. This also establishes the fact that the political elite in Bangladesh are also largely its economic elite. There are also many examples of how businessman-turned-politicians exercised political influence to earn illegal incomes and later moved into legitimate businesses. The policy-making process is thus labeled as the outcome of incentives created by patronage politics as opposed to the compulsion of the government to play an effective developmental role (Mahmud, Ahmed, and Mahajan 2008).

### *11.5.7 Donor/Development Partners*

International donors, both bilateral and multilateral, have a significant presence in Bangladesh and play an important role in the development of the country. Approximately 2% of GDP, depending on how one counts it, is derived from donor contributions.* Paradoxically, while Bangladesh's share of aid flows has been falling, Bangladesh is increasingly witnessing wider variety of conditionalities that restrict its policy autonomy.† Donors play a significant role in the development of policy and the formulation of development plans in Bangladesh. Donors also play a significant and noticeable role in injecting policy ideas and recommending different policy interventions. They also have an important role in policy analysis and review. Among the multilateral donors, the World Bank and the International Monetary Fund are considered the leading ones that exert considerable pressure and persuasion to bring policy changes and reforms. The available empirical evidence indicates that donors have overriding concerns on the direction of public policy in Bangladesh. The normative biases and perceptions of donors have indeed influenced the policy content and process. Interestingly, donors among themselves have different approaches and perspective and policy agendas. Bangladesh as a recipient country has to accommodate and adjust to donor priorities and concerns in broader policy-making and planning activities (Sobhan 2004).

In recent years, donor efforts have shifted away from infrastructure to a more focused approach on helping Bangladesh achieve its MDGs. At the same time, donors have sought to bring their assistance in line with the principles of the Paris Declaration on Aid Effectiveness, which stresses national ownership of the development process through the transition toward government-to-government program-based aid as opposed to funding multiple discrete projects. These developments have in turn led to increased scrutiny of the policy-making process in Bangladesh while at the same time providing more space for domestic policy initiatives. Donors have their own mechanism of loose coordination in the name of local consultative groups (LCGs) to synchronize the governance and policy reform program. Nevertheless, there appears to be a lack of donor harmonization in conceptualizing and implementing governance-related policy intervention packages.

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* Country Indicators, World Bank, World Development Indicators Online (data as of 3-5-2009).

† Donor conditionalities have been a concern for both academics and political leaders. As a matter of fact, donor aid and policy conditionality have been very much visible since the mid-1980s through a wide range of policy reform agendas under the Structural Adjustment Programmes, Economic Structural Adjustment Program, Poverty Reduction Strategy Programme, Poverty Reduction Growth Facility, and so on. Critics argued that such conditionalities did not objectively consider the ground realities of Bangladesh. For example, privatization of public utilities resulted in increasing prices of utility services, withdrawal of agricultural subsidies intensified food insecurity, tariff liberalization significantly increased import dependency, and monetary and fiscal measures shrunk investment opportunities and put constraints on employment generation. For details, see M. Iqbal Ahmed, *Aid and Conditionality—The Case of Bangladesh*, Dhaka: Unnayan Onneshan Bangladesh, 2008.

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## 11.6 Problems and Issues of Policy-Making in Bangladesh

### *11.6.1 The Role of Donors*

For more than three decades, Bangladesh has remained dependent on donors, both for aid and policy advice. Although during the last decade aid dependence has declined significantly, dependence on policy advice still remains high. As a result, Bangladesh has been subjected to economic and policy reforms that have been designed and untiringly promoted by the different donor agencies. However, the agendas of these reforms have not changed significantly over this period. The underlying philosophical premise of the reforms has been the need to downsize the role of the state in economic management while enhancing the role of the market in guiding economic choices, liberalized import regimes, privatization and de-subsidization, and limiting the role of the public sector. Political economists argue that this shift in the development philosophy of the international agencies has had little consequence to the course of the development process in Bangladesh. A leading political economist observed:

> In Bangladesh today we are, therefore, caught up within a peculiar paradox. The lead agency attempting to influence our policy agenda now lacks the conviction to sustain its inherited strategies but remains uncomfortable about exposing itself to a genuine dialogue with domestic constituencies to promote a more creative agenda for change. Initiatives by the Bank to promote dialogue with civil society remain rather 'managed' exercises designed to seek validation for the Bank's policy agenda rather than to open their minds to fresh ideas emerging from a domestic policy discourse. (Sobhan, *Financial Express*, November 30, 2002)

Rather than giving priority to the voices emerging from within Bangladesh, the bank in question and other donors are introducing new elements into the development discourse extending from human rights, judicial reform, and anticorruption to local self-government, and these are bundled together with the standard package of reforms. Bangladesh is therefore left with a policy package that does not always have political legitimacy. The dependence on aid and the leverage of donors on the policy agenda discouraged successive regimes to initiate a more indigenous process of policy reform, drawing upon domestic expertise backed by a political consensus.

While this dependence on aid, in quantitative terms, has significantly declined in recent years, the dependence on policy advice from donors still remains strong. A think tank leader therefore says that "the psychology of dependence on donors has become ingrained in the psyche of military, political and bureaucratic decision-makers in Bangladesh who remain firmly convinced, even today, that donors hold their political lifeline in their hands" (Sobhan 1999, p. 23).

This incapacity to restore sovereignty to Bangladesh's policy-making process has contributed to the erosion in the credibility and authority of the government. In the eyes of the public, the government has considerably surrendered its policy-making prerogative to the donors. On the role of the donor in policy and governance reform, recent empirical evidence indicates the following broad observations: (1) donors tend to be domineering in setting the reform agenda; (2) donors failed to generate adequate political support from the ruling regime in pursuing the agenda; (3) donors looked for quick success; and (4) donors overemphasized structural reforms and ignored reality in designing politically realistic governance and policy reform agendas (Aminuzzaman 2007).

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### *11.6.2 Parliament and Parliamentary Committees*

There are inadequate debates on policy and legislation in Parliament. Many important matters, including the five-year plan, are not discussed in Parliament at all (Aminuzzaman 2004). Most policies are formulated at the ministry level and are not even announced in Parliament, so it is not surprising that such policies have little public understanding and are often implemented half-heartedly. Parliamentary committees are enthusiastic about their role in policy-making and other accountability measures but have gross limitations in terms of mandate, manpower, technical skills, and logistical support in addressing their respective agendas. As a result, for example, the Public Accounts Committee (PAC) has a backlog of 400 audit reports. This delay invariably reduces the deterrent and corrective influence on the executive, because by the time a particular transaction is examined, those responsible would have been transferred, retired, or even dead, and escape from appearing before the PAC.

There are as many as 46 parliamentary committees that look after specific ministries. The limits of the powers of standing committees on ministries in Bangladesh are not merely limited to technical issues but are vitally relevant for delineating the relationship between the legislature and the executive. However, Rule 246 of the Rules of Procedures (ROP) of Bangladesh's parliament provides very limited oversight functions to standing committees on ministries. On the other hand, Rule 248 of the ROP gives unfettered oversight powers over ministries to standing committees. However, by restricting the scope of the committees to ministries, certain divisions that perform the functions like ministries, but are not officially designated as ministries, are excluded from the purview of legislative surveillance.* There is also overlap in the functions of the Committee on Estimates and other committees. Moreover, there are also discrepancies in terms of reference as prescribed in the constitution and the ROP of Parliament (Khan 2010).

### *11.6.3 Role of Bureaucracy*

A recent study carried out by the author reveals interesting observations (Aminuzzaman 2012). The study was based on a survey with 66 respondents ranging from the deputy secretaries to the secretaries of various ministries of the Government of Bangladesh. The study's research question was "What are the factors in your opinion/or experience that affects the effectiveness of the formulation and or implementation of a public policy in Bangladesh?" Some of the relevant observations of the study indicate the following:

(1) political commitment† is the most important factor that affects policy formulation/implementation (from a statistical view, this is highly significant); (2) donors' technical assistance plays an important role in the formulation and implementation; (3) donor conditionality/pressure is also a highly significant factor that affects the policy formulation/implementation; (4) control over resources also affects the implementation of public policy; and (5) supportive rules and regulations have implications on policy implementation.

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* There are 37 ministries and 7 independent divisions, of which few are not under the purview of the Ministerial Standing Committee. These include the public division and personal divisions of the president's office, the Cabinet Division, and the Election Commission Secretariat. Even the prime minister's office, which directly supervises the Armed Forces Division, NGO Affairs Bureau, Board of Investment, and so on, is excluded.

† For the survey, the operational definition of political commitment referred "to a state of condition where the political leadership asserts to uphold public interest without compromising with party interest and patronizing party office bearers strictly adhere to and mean committed to party election manifesto and do not give in to the pressure of vested interest for individual and or of the party."

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The respondents also identified some of the critical elements that affect smooth policy implementation. These include inadequate in-house expertise; traditional adherence to an incremental approach of policy-making; and the fact that policies are hardly analyzed or reviewed, as there is no formal system of policy analysis and review. During the interview, one senior civil servant noted, "as a matter of fact policy analysis or review is an alien concept in public administration system in Bangladesh."

Furthermore, the respondent observed that because of frequent changes in senior policy positions, the ministry tends to lose the institutional memory, continuity, commitment, and thrust of the policy. More surprisingly, some of the policies take complete U-turns or are suspended due to change in the political regime. Members of the public bureaucracy also observed that in many cases, policies suffer from a lack of complementary changes in rules, structural arrangements of the implementation mechanism, and absent or inadequate budgetary provisions. They also noted that in some cases, there is a gross lack of strategic and synergic links between related policies.

Members of the bureaucracy complained about the harshness of the donors' reform proposals. They observed that because of political constraints vis-à-vis the lack of effective institutional capacities, the pace and outcome of reform has been weaker than what was actually being demanded by the donors. The factors of weak outcome from the donor-driven policy reform agenda in Bangladesh as identified by the members of bureaucracy could be summarized as follows:

- Some conditionalities of the donors were acceptable to the government but not to the people.
- The Government of Bangladesh also made no serious efforts to mobilize either political support in Parliament or popular support within civil society or even among beneficiaries behind the conditional reform package.
- The policy reforms thus became a donor-driven process where the commitment and capacity of the Government of Bangladesh remained weak. The pace of reform and adjustments are too rapid and caused much pain to the targeted social groups; thus, some policies became politically infeasible and socially unacceptable.

Most importantly, the members of the senior bureaucracy strongly noted the importance of enhanced negotiation skills in policy matters. The members of the civil service noted that they feel underprepared and sometimes lack appropriate skills to carry out one-to-one basis policy negotiation, especially in terms of tied aid programs.

The members of the civil bureaucracy also noted that there is a lack of harmonization between the donor and the government approach toward a specific policy agenda. Donor communities in principle are committed to the Paris Declaration and harmonize their efforts and approaches of program implementation in line with the mainstream government agencies. However, in many cases they tend to develop new institutional and procedural mechanisms that in the long run affect the smooth implementation of policy and related programs/projects. Such noncompliance of the donors to the basic and salient features of the Paris Declaration in some cases directly affects policy implementation.

## 11.7 Public Policy in Bangladesh: What Works and Why?

Based on two selected case studies,* Aminuzzaman (2009a) observes that policy initiatives that have resulted in a relatively high degree of acceptability show the following common features: (1) policies having clear and limited scope with modest attainable actions based on adequate research and

* Right to Information Act and Local Government Commission Ordinance.

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analysis with active support from the donor, civil society, and local think tanks; (2) policies having measurable benefits, where the results could be seen or visible and had the presence of champions who individually or in a group promoted and provided administrative and political support to pursue the policy; (3) policies that are proposed or advocated through a coalition-building process and that maintained strong alliances to reduced institutional resistance; (4) policies that are disconnected from hyper-partisanship; and finally (5) polices that receive strong donor support, where the role of donors has been more catalytic in funding, research, and political pressure.

### 11.7.1 The Way Forward for Improving Policy Formulation and Implementation

Some institutional foundation for effective policy formulation and implementation needs to be addressed and strengthened. Four distinct areas of intervention are needed to enhance the quality of policy formulation and implementation:

#### 11.7.1.1 Enhanced Role of Parliament and Its Committees

Parliament and various parliamentary committees need to be the center of policy debate and dialog. At present, the parliamentary committees appear to be visible but not effective. On a number of occasions, the observations and instructions of the parliamentary committee have been ignored by the ministries. What is needed to improve the situation is the active engagement of the parliamentary committee to take over the oversight of its own government's policies, a role now being filled largely by civil society and the donor community.

#### 11.7.1.2 Reorganizing and Enhancing the In-House Capacity of the Ministries

Policy planning and research should be given due importance in each of the ministries. A new Policy and Research Wing for some of the strategic ministries needs to be created. The role and functions of the proposed wing should be rationalized and integrated with the existing Development Wing and Planning Unit of the ministries. Attempts should be made to staff those wings with adequately trained and professionally skilled staff.

#### 11.7.1.3 Institutional Links with Think Tanks and Universities

At present, ministries' capacity to undertake advanced research is far too limited. As there is too much dependency on overseas donor consultants, ministries should develop professional and institutional links with leading local think tanks, universities, and recognized civil society members in various areas for technical assistance. On a case-by-case basis, ministries should opt to buy technical services for selected policy research and analysis. Civil society should also be recognized and be brought into the loop for providing constant feedback and monitoring information.

#### 11.7.1.4 Recognizing and Integrating the Role of Civil Society

One emerging force in policy advocacy in Bangladesh is civil society. Like many other newly emerging democracies, civil society in Bangladesh can play a critical role in public policy-making. The role of civil society, in fact, would depend on the nature of the demand and surrounding conditions. However, given the track record, we may present a brief list of areas of involvement of the

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civil society in the context of Bangladesh. These may include (1) policy advocacy and mobilization of public opinion, (2) acting as a source of demand, (3) active participation in the formulation process (as think tank/experts, participation in public hearing/policy workshop/seminar), (4) bridging the gap between the clients and government, (5) pressuring the government through media, (6) supporting the popular movement in favor of a given policy issue, (7) lobbying with the donor groups/development partners, (8) playing the role of mediator/arbitrator between client and government, and (9) undertaking policy analysis and research.

#### *11.7.1.5 Reassessing the Donor Position and Role*

Donors are critical partners in policy matters and program management in Bangladesh. However, what the donors also need to do is to recognize the political reality of Bangladesh. In light of the spirit of Paris Declaration, donors should get more engaged in constructive policy review than in strict finger pointing. They should recognize that significant impact of policy changes comes gradually and that incremental changes are more feasible and sustainable. Donors, while putting conditionality on policy reforms, should therefore pay more attention to the political viability of the proposed changes and help the government in creating positive stimulus with added incentives. As a strategy, the donors should also take the support of the civil society and a section of public bureaucracy to form a coalition of change agents and to identify the potential drivers of change.

## 11.8 Conclusions

In Bangladesh, public policy dynamics reveal two faces—policy pronouncements that are made for public consumption and during implementation; the politician as patron tries to reward his or her clients. As implementation is not a rule-based process, in many cases the politicians are keen about and interested in patronage distribution as opposed to the development role (Mahmud, Ahmed, and Mahajan 2008). The role of Parliament in the policy process unfortunately is peripheral. The weakness in the policy conceptualization and legislative review severely affects policy implementation in Bangladesh, as few instruments of oversight and accountability exist.

Parliament has been involved more with legislative role and partisan concerns than engaging in serious debate on policy issues. Major policies are either not tabled or appropriately debated in Parliament. By and large, it is the public bureaucracy that bears the sole responsibility for preparing major policy policies but often it lacks professional competence and aptitude for policy analysis. Over the last decade, a new culture of impunity has taken the central place in the process of governance. A section of political elites and their commercial partners and sponsors have been using parallel system of decision making, while ignoring the law of the land. A part of bureaucracy either in collusion with or under compulsion from their political masters overlooked such illegal acts of the power yielder. Such manifested culture of impunity went to the extent of changing policy and important business decisions of the government. Some power elites such as politicians, trade union leaders, a privileged section of bureaucracy (known as "our men"), and leaders of an "informal powerhouse" have been granted impunity to misgovern or misuse public resources and interfere in the institutional processes.

Without strong leadership, institutions, ideological commitment, and political culture, public policy cannot sustain or bring effective results. Policy ownership is also critically important to set

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premise on the belief that unless countries assume responsibility for their own destiny and commit themselves to transform the lives of their citizens, no policy reform or economic transformation is feasible. These are perhaps the greatest challenges in Bangladesh to institutionalize democracy and good governance. Government effectiveness of Bangladesh for that matter would greatly depend on the quality of policy formulations and the credibility of the government's commitment to such policies.

## References

Ahluwalia, I.J., & Mahmud, W. (2004). Economic transformation and social development in Bangladesh. *Economic and Political Weekly*, *39*(36), 4009–4011.

Ahmed, N. (2001). Parliamentary committees and parliamentary government in Bangladesh. *Contemporary South Asia*, *10*(1), 11–36.

Ahmed, N. (2012). Parliamentary oversight and good governance in Bangladesh: The role of the committees. In M.H. Chowdhury (Ed.), *Democracy in Bangladesh: Essays in Memory of Professor R.I. Chowdhury.* Dhaka: AHD Publishing House.

Aminuzzaman, S. (2004). *Promoting Pro-Poor Issues: Role of MPs and Major Political Parties in Bangladesh*. Dhaka: Action Aid.

Aminuzzaman, S. (2007). *Government of Donor: Who Sets the Governance Reform Agenda? A Critical Review of Bangladesh Experiences*. Paper presented to NAPSIPAG-NCPAG International Conference on Public Administration and Governance at the Forefront of Change Dimensions, Dynamics, Dysfunctions and Solution, December 5–7, 2007, Manila, The Philippines.

Aminuzzaman, S. (2009a). *Dynamics of Public Policy formulation—Case Study on Right to Information and Local Government Commission*. Dhaka: Department of Public Administration, University of Dhaka.

Aminuzzaman, S. (2009b). *Public Policy Making in Bangladesh: Survey of Citizens Perception*. Dhaka: Department of Public Administration, University of Dhaka.

Aminuzzaman, S. (2012). *Dynamics of Public Policy—Determinants of Policy Making and Implementation in Bangladesh*. International Conference on Public Policy and Governance in South and South East Asia, organized by North South University, July 12–13.

General Economics Division, Planning Commission, Government of the People's Republic of Bangladesh. (2009). *Steps towards Change National Strategy for Accelerated Poverty Reduction II*. International Monetary Fund Report No. 12/293.

Government of Bangladesh. (1996). *Rules of Business 1996, Ministry of Establishment*. Dhaka: Government of Bangladesh.

Islam, N. (2003). *Making of A Nation: Bangladesh—An Economist's Tale*. Dhaka: University Press.

Khan, A.A. (2010). *Friendly Fires, Humpty Dumpty Disorder, and Other Essays—Reflections on Economy and Governance in Bangladesh*. Dhaka: UPL.

Liton, S. (2011). Limping Parliament and unmet expectations. *Daily Star*, March 17.

Mahmud, W.M., Ahmed, S., & Mahajan, S. (2008). *Economic Reform, Growth and Governance the Political Economy Aspects of Bangladesh's Development Surprise*. The International Bank for Reconstruction and Development/The World Bank. Working Paper No: 22. Available at http://siteresources.worldbank.org/EXTPREMNET/Resources/489960-1338997241035/Growth_Commission_Working_Paper_22_Economic_Reforms_Growth_Governance_Political_Economy_Aspects_Bangladesh_Development_Surprise.pdf.

SFYP. (2010). *Government of Bangladesh*, *Sixth Five-Year Plan, Ministry of Planning*. SFYP. Available at http://www.plancomm.gov.bd/SFYP-PDF-Final%2029-08-2011%5CSFYP-Final-%20Part-1-17-08-11[1].pdf.

Sobhan, R. (1999). Re-assessing aid: The role of governance, institution building and partnership: Learning from the Asian experiment. Bergen Seminar on Development, Norway.

Sobhan, R. (2002). Policy independence and political accountability. Report for Center for Policy Dialogue. Dhaka.

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Sobhan, R. (2004). *The Political Economy of Aid, in Revisiting Foreign Aid—A Review of Bangladesh*. Dhaka: CPD.

Transparency International Bangladesh. (2009a). *Parliament Watch Report 2009*. Dhaka: TIB.

Transparency International Bangladesh. (2009b). *Transparency in Political Finance in Bangladesh*. Dhaka: TIB.

World Bank. (1996). *Bangladesh, Government That Works: Reforming the Public Sector*. Dhaka: World Bank.

World Bank. (2006). *Economics and Governance of Nongovernmental Organizations in Bangladesh*. Bangladesh Development Series—Paper No. 11. Dhaka: World Bank.

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# *Chapter 12*

# Public Service Ethics and Corruption in Bangladesh

Mobasser Monem and Hasan Muhammad Baniamin

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It is said that corruption is as old as human history. But that is not the problem in Bangladesh; if corruption is old, it is also getting bold. A glance at the newspapers or a glimpse of the news reveals that corruption issues continue to figure on the public agenda on a regular basis. Deviation from normal standards of ethics takes various forms of corruption in the civil service. As stated by Shen and Williamson (2005), "Corruption—the abuse of public power for private gains—undermines the legitimacy and effectiveness of government, discourages investment, reduces tax revenues, limits economic growth, and lowers the quality of infrastructure and public services (Ades and Di Tella 1994; Knack and Keefer 1995; Mauro 1997; Wei 1997; World Bank 1997). Corruption reduces the effectiveness of foreign-aid-funded projects (Doig and McIvor 1999; IMF 1995; Isham et al. 1995). Corruption is particularly problematic for developing and transition economies (Johnston 1998)." Most of the problems in public administration emanate from corruption. It corrodes the fabric of a society and destroys the functioning of vital organs of a state. Frisch (1994) captured this succinctly: "corruption kills the development spirit—nothing is as destructive to a society as the rush to quick and easy money which makes fools of those who can work honestly and constructively." So the public administration literature has been a call for improved ethics within the field and sets improving ethical levels in civil service as the top reform agenda. As Larbi (2001) states, in general, "ethics in public service can be defined as a set of principles to guide conduct (Lawton 1998) or moral standards in public service (Chapman 1993)."

Corruption is doing the same thing to Bangladesh that a bug does to timber. It eats the vitals from within and makes it a hollow shell ready to crumble. All the organs of the government have been in the death grip of that vicious bug for long and now it seems to be approaching a stage wherein it might be impossible to save the country from total collapse. So there is a need for scholarly inquiries into the context, causes, and consequences associated with unethical practices in the civil service of Bangladesh.

## 12.1 Corruption in Bangladesh

Bangladesh is positioned at the bottom of corruption and governance indices. Transparency International (TI) ranked Bangladesh as the most corrupt country in the world for five consecutive years (2001–2005). Although, in the recent past, the position of Bangladesh has slightly improved with respect to its ranking among the most corrupt countries, the extent of reduction in the magnitude of corruption and its negative impacts is debatable (see Figure 12.1). It is estimated that about 2–3% of Bangladesh's economy, which is around $1.5 billion annually, is lost to corruption. In an interview, Lt. General (retired) Hasan Mashhud Chowdhury, former chairman of the Anti-Corruption Commission (ACC), noted that, "I'd say 80–85% of politicians would be corrupt—stinking corrupt" (*International Business Times*, June 4, 2007). During the period of the last caretaker government (2006–2008), nearly every morning newspaper had reports of more politicians, businessmen, and bureaucrats being charged and jailed, and more stories of their bank accounts, mansions, and fleets of confiscated sports utility vehicles, what the ACC chief noted as "just making a dent" in the greater mosaic (Aminuzzaman, undated).

The statistical figure of TI demonstrates that the corruption condition is improving continuously in Bangladesh, though the improvement is not satisfactory. The score, which is below 3, indicates that Bangladesh is still severely affected by the negative impacts of corruption. In the South Asian context, the most corrupt country is Afghanistan. Most of the countries have a score below or around 3, which means that the entire region is severely affected by corruption. Only Bhutan has comparatively a better picture with respect to the corruption index.

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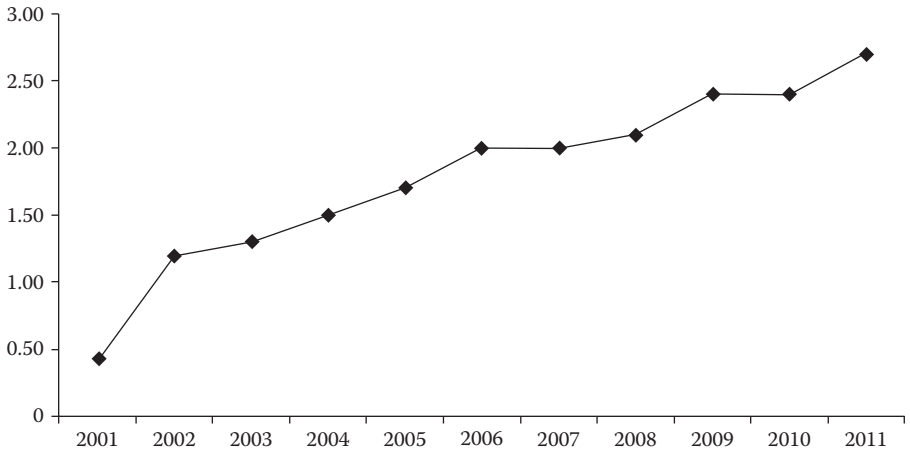


**Figure 12.1 Corruption trends in Bangladesh. (Based on TI statistics, Transparency International, Germany.)**

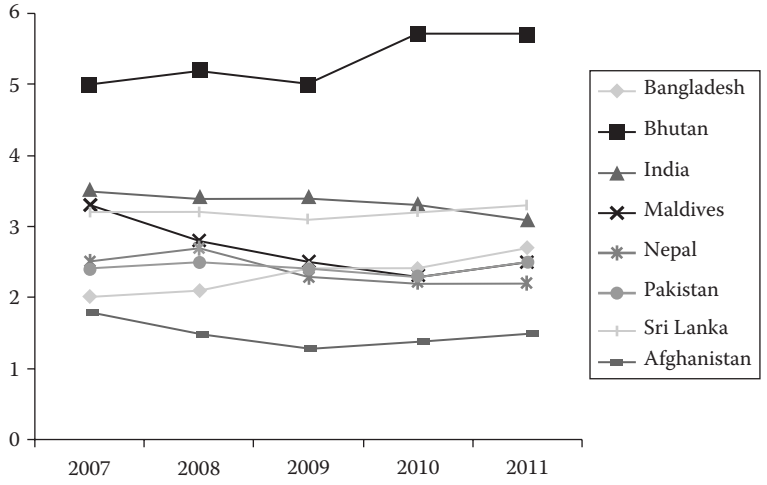


**Figure 12.2 Corruption scenarios in South Asia. (Based on TI statistics, Transparency International, Germany.)**

South Asians regularly have to pay bribes when dealing with their public institutions, be it to speed up paperwork, avoid problems with authorities such as the police, or simply access basic services. A new survey of six South Asian countries (Bangladesh, India, the Maldives, Nepal, Pakistan, and Sri Lanka) published by TI found that more than one in three people who deal with public services said they pay bribes (see Figure 12.2). Political parties and the police are the most corrupt institutions in all six countries, according to the survey, followed closely by the parliament and public officials. Officials entrusted with overseeing deals related to buying, selling, inheriting, and renting land were the next likely to demand a bribe. According to the survey, the country most

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plagued by bribery is Bangladesh, where 66% report paying bribes to public institutions, followed by India and Pakistan, with 54% and 49%, respectively, mostly just to gain access to services that people should normally be entitled to (TI 2011).

The National Household Survey 2010 by Transparency International Bangladesh (TIB) on corruption in Bangladesh revealed that 88% of the surveyed households who had interactions with the judicial system were victims of corruption in the form of bribery and other forms of abuse of power (see Figure 12.3). Judiciary was followed by the law enforcement agencies (79.7%), land administration (71.2%), and taxation (51.3%). The other service sectors affected by corruption were agriculture, local government, health, banking, education, insurance, and NGOs. Overall, 88% of the surveyed people experienced corruption in one or more service sector at the delivery end. The survey showed a significant rise in the incidence of corruption in 2010 compared with the results of a similar survey by TIB in 2007, when the ratio of people experiencing corruption was only 66.7% (TIB 2010b).

The survey by the World Economic Forum also predicts that corruption will pose a major threat to the Government of Bangladesh in the coming years. The observation came as Bangladesh slipped by one rung in the Global Competitiveness Index (GCI) in 2011 to rank 108th due to inadequate infrastructure, inefficient bureaucracy, and corruption. Bangladesh's GCI score has increased by 2.5%, but the country has been placed further on the ladder in the survey of 142 countries, while other countries have advanced. The survey finds that an inadequate supply of

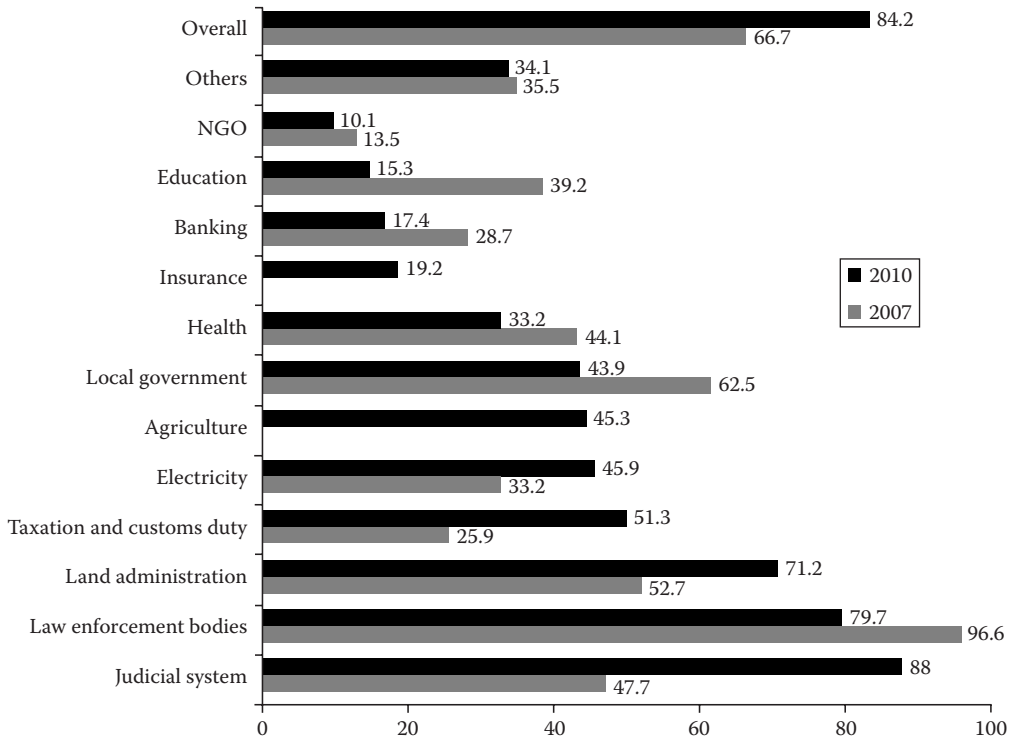


**Figure 12.3 Percentage of surveyed households who experienced corruption. (From TIB Annual Report, 2010a.)**

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infrastructure remained at the top as the problem factor, while corruption came second and inefficient government bureaucracy came third.

### *12.1.1 Understanding the Legal Milieu in Bangladesh*

The legal framework is the basis for communicating the minimum obligatory standards and principles of behavior for every public servant. Laws and regulations could state the fundamental values of public service and provide the framework for guidance, investigation, disciplinary action, and prosecution. Thus, ethical standards and values are generally reflected in the legal framework of a civil service.

To regulate the conduct of civil servants of Bangladesh, the government has enacted many acts, rules, and ordinances. These are formulated with the objective of bringing transparency in the working procedure, ensuring accountability of the civil servants for their jobs, making civil servants responsive to the needs of citizens, and above all establishing a corruption-free, efficient civil service capable of augmenting the development process of the country. The key acts, rules, and ordinances along with their main focuses are in Table 12.1.

All of these acts, rules, and ordinances are to set the behavioral patterns and the ethical level of civil servants for effective functioning of the government leviathan. Among these, two rules are

**Table 12.1 The Key Acts, Rules, and Ordinances for Bangladesh Civil Service**

| *Acts/Rules/Ordinances* | *Main Focuses* |
|---|---|
| The Government Servants (Conduct) Rules, 1979 | Regulate the code of conduct of civil servants of Bangladesh |
| The Government Servants (Discipline and Appeal) Rules, 1985 | Describe the grounds, nature, and processes to mete out punishment |
| The Government Servants (Special Provisions) Ordinance, 1979 | Maintain hierarchic discipline among government servants |
| The Government Servants (Punctual Attendance) Ordinance, 1982 | Ensure punctual attendance of civil servants |
| The Government Servants (Dismissal on Conviction) Ordinance, 1985 | Dismissal of public servants on conviction of a criminal offense |
| The Administrative Tribunal's Act, 1982 | Entertain applications made by a person in the service of the republic with respect to terms and conditions of service, including pension rights |
| Rules of Business, 1996 | Framed for the purpose of allocating as well as transacting government business |
| Secretariat Instructions, 2008 | Procedures for the transaction of governmental business circulated among the state functionaries in an officially compiled document |
| The Right to Information Act, 2009 | Gives the citizen the right to ask for information from the government |

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most important to address the problem of corruption. At first, the Government Servants (Conduct) Rules, 1979, set the behavioral patterns and described the conduct that a civil servant has to follow. Some of the key rules related to the control of corruption are the following:

**Gifts**
Rule 5(1): No government servant shall, with the previous sanction of the government, accept or permit any member of his family to accept from any person a gift.

**Lending and Borrowing**
Rule 10(1): No government servant shall lend money to, or borrow money from, or place himself/herself under any pecuniary obligation.

**Buying and Selling of Valuable Property**
Rule 11(1): For buying and selling of property exceeding Tk 15,000 in value, he/she shall declare his/her intention to the head of the department or the secretary to the government.

**Construction of Buildings**
Rule 12: No government employee shall construct a building, whether intended for residential use or commercial purpose, except with the previous sanction of the government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

**Declaration of Property**
Rule 13(1): Every government servant shall, at the time of entering government service, make a declaration to the government through the usual channel.
Rule 13(2): Every government servant shall, after every five years, submit a return of his/her assets showing any increase or decrease of his/her property.

**Disclosure of Liquid Assets**
Rule 14: A government servant shall disclose his/her liquid assets when required to do so by the government.

**Promotion and Management of Companies**
Rule 16(1): A government servant shall not take part in the promotion, registration, or management of any bank or other company.

**Private Trade or Employment**
Rule 17(1): No government servant shall, except with the previous sanction of government, engage in any trade, or undertake any employment or work, other than his/her official duties.

**Nepotism, Favoritism, and Victimization**
Rule 27: No government servant shall indulge in parochialism, favoritism, victimization, and willful abuse of office.

The aforementioned provisions are treated as misconduct and punishable under Government Servants (Dismissal on Conviction) Ordinance, 1985. The rule also keeps the punishment for a person who is corrupt or may reasonably be considered corrupt, because of any of the following:

- He/she is, or any of his/her dependents or any other person through him/her or on his/her behalf is, in possession (for which he/she cannot reasonably account) of pecuniary resources or of property disproportionate to his/her known sources of income.
- He/she has assumed a style of living beyond his ostensible means.
- He/she has a persistent reputation of being corrupt.

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When a person is convicted as corrupt under this rule, then he/she will be awarded punishments such as the following:

- Compulsory retirement
- Removal from services
- Dismissal from services

Apart from hierarchical control, there are some institutional mechanisms to regulate civil servants, such as the Audit Department, the ACC, and so on. The Audit Department performs its duty as per the account code, treasury rules, and general financial rules. The Audit Department tries to ensure that all the activities of the government comply with the existing rules; if it finds otherwise, then it will raise an audit objection against that specific task.

The ACC in Bangladesh was created through an act promulgated on February 23, 2004, that came into force on May 9, 2004. The commission is mandated as an independent, self-governed, and neutral entity. The commission is carrying out its duties according to the ACC Act, 2004. According to the act, the commission may discharge any or all of the following functions:

- Inquire into and conduct investigation of offenses mentioned in the schedule.
- File cases on the basis of enquiry or investigation and conduct cases.
- Hold an enquiry into allegations of corruption on its own motion or on the application of aggrieved person or any person on his/her behalf.
- Perform any function assigned to a commission by any act with respect to corruption.
- Review any recognized provisions of any law for prevention of corruption and submit recommendation to the president for their effective implementation.
- Undertake research, prepare a plan for prevention of corruption, and submit to the president recommendations for action based on the result of such research.
- Raise awareness and create feeling of honesty and integrity among people with a view to preventing corruption.
- Organize a seminar, symposium, workshop, and so on, on the subjects falling within the purview of the commission.
- Identify various causes of corruption in the context of the socioeconomic conditions of Bangladesh and make recommendation to the president for taking necessary steps.
- Determine the procedure of enquiry, investigation, filing of cases, and the procedure of according sanction of the commission for filing a case against corruption.
- Perform any other duty considered necessary for the prevention of corruption.

## 12.2 Dimensions of Bureaucratic Corruption in Bangladesh

### *12.2.1 The Notion of Corruption*

Corruption is considered a harmful social phenomenon by the majority of the people in Bangladesh, as it becomes "a way of life." People have generally accepted corruption as a "given" and have no alternative but to comply to receive the services. *Ghoosh* (bribe), *tadbir* (patronage or persuasion), *baksis* (tips/incentive money), *tenderbaji* (manipulation in the tender process), a "gift," and "a percentage" (especially in various projects) have become common practices for getting services from any public office. There are also perceptions among some people that corruption "is a necessary

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evil, or something not proper, but can be useful; and some of the people see in corruption a means for a faster and a more successful solution to certain problems" (Antonic et al. 2005).

### 12.2.2 Basic Causes of Corruption

In general, the causes of corruption are inadequate morality, poverty, and insufficient respect for the rule of law. It also furthered a weak judiciary system, bad legislation, flaws in political and economic systems, and a poor incentive structure for civil service. The flaws of political systems can be noted as the prime impediment to establishing an ethical civil service because it has a significant role to play in the prevention of corruption. But in Bangladesh, like many nascent democracies, political parties have to maintain full-time political workers and *mastan* (musclemen who are used to commit crimes) who can be maintained only with large-scale corruption, often carried out with bureaucratic support and participation. See Table 12.2 for manifestation of corruption in Bangladesh by form and sectors.

### 12.2.3 Basic Types of Corruption

There are three major types of corruption that are commonly found in developing countries. These are (1) payments to a public servant for a service the individual is entitled to by law; (2) payments to a public servant for services an individual is not entitled to; and (3) payments made to a public servant to amend or interpret a law or policy in line with his/her interests. A study on corruption in Bangladesh demonstrates that private entrepreneurs in practice cannot easily differentiate between realizing a right or breaking a law. In fact, they are not interested in this issue. They are interested only to know if they have to provide additional payment for the service or not (Sobhan 2001; Antonic et al. 2005).

### 12.2.4 Most Frequent Forms of Corruption

Corruption in Bangladesh is characterized by various variegated forms,* namely bribes, graft, extortion, nepotism and cronyism, pilfering and larceny, delays in service provision, embezzlement, kickbacks, misappropriation of funds, and so on. Such practices range from the *darwan*/peon (doorman/messenger) to the top civil servants, members of parliament (MPs) and even the ministers (Aminuzzaman, undated). These kinds of corruption can be broadly divided into two groups: incidental corruption (petty graft, small-scale embezzlement or bribe, etc.) at one extreme and systemic corruption (large-scale embezzlement, misappropriation, etc.) at the other.

As in some other countries, according to the views of the majority of the people

> corruption in our society is most often used in *circumnavigating* legal obligations and norms; then, in an attempt to *change* the existing legal norms for someone's gain and interest (24%); and only then in an attempt of the people to *realize* certain rights,

* A bribe is a transaction demanded by a public official to do something for which he/she is already paid to do. Graft requires only that the official gains something of value, not part of his/her official pay, when doing his/her work. Extortion refers to the illegitimate use of state force for personal or private gain. Nepotism refers to favoring relatives. Cronyism refers to building a network or syndicate of personal friends to gain power, benefits, and economic advantage. Embezzlement is basically outright theft of entrusted funds and resources. Kickback means getting a share of misappropriated funds allocated from the organization one works for to an organization involved in corrupt bidding.

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**Table 12.2 Manifestation of Corruption in Bangladesh by Form and Sectors**

| | | | | | | |
|---|---|---|---|---|---|---|
| Judiciary | Bribe (59.6) | Harassment by lawyer (39.7) | Unnecessary delay (41.0) | Harassment by employees (24.5) | Harassment during collection of document (9.1) | Harassment by brokers (2.7) |
| Law-enforcing organizations | Bribe (66.2) | False case (21.1) | Negligence during GD (General Dairy) or FIR (First Information Report) (17.3) | Threat or misconduct (12.8) | Torture during remand (4.0) | Arrest without allegation (2.1) |
| Land administration | Bribe (67.0) | Unnecessary delay (19.9) | Existence of brokers (9.8) | Change the quantity of land (4.1) | Breaking serial (2.0) | Domination of the people of the ruling party (0.8) |
| Taxation and customs duty | Bribe (43.9) | Harassment (false assessment) (30.3) | Misconduct by employees (6.4) | — | — | — |
| Local government | Bribe (36.7) | Negligence of duties (11.0) | Interference by influential persons (6.30) | Embezzlement (1.50) | Cheating (0.10) | Threat (0.02) |

*Source:* TIB, National Household Survey, 2010b.

*Note:* Figures in parentheses indicate the percent of affected households.

> which are guaranteed by existing legal norms (20%). Such answers could be explained in light of previously listed results that the basic causes of corruption, according to the citizens, are *inherent to the system*. Corruption is, therefore, perceived as the "adequate response" by individuals to "the faults" of that system—a way and an attempt to bypass or change norms that do not enable the appropriate protection and realization of rights. (Antonic et al. 2005, p. 41)

Although corruption is generally condemned, the majority of people have a tendency to justify its use, under certain circumstances, when it contributes to the realization of rights guaranteed by law that cannot be realized in a way prescribed by the law.

### *12.2.5 Corruption and Its Impact*

In an environment of corruption and lack of accountability that prevails in Bangladesh, business and industry in the country remain uncertain. It can be argued that business and investment in Bangladesh have become unprofitable due to pervasive corruption in the field—people engaged in economic activities in industry, trade and commerce, real estate building, and so on are always being extorted. The extortion comes from political leaders, armed gangster groups, value-added tax and tax collectors, customs officials, and police. In such a circumstance, the real growth of the economy remains uncertain. Thus, corruption can be analogous to a tax that raises the cost of a transaction. In terms of the resource-allocation model, such costs will cause a shift in the market equilibrium. Donors and business partners from abroad have time and again urged all concerned to reign in corruption, which deters business, the economy, and the growth rate as a whole (*The Daily News* 2004).

Bangladesh is struggling to graduate itself from the position of least developed country (LDC) to middle-income country. But corruption reduces prospects for economic growth, undermining the rule of law and damaging the legitimacy of the political process (Knox 2009). Though the annual growth rate of the economy has remained around 6% for the past few years, it is estimated that about 1.4% of the annual GDP and 8.4% of the annual national budget was lost to bribery (petty corruption) in the service sector (TIB 2010a). Thus, corruption is considered as one of the major impediments for Bangladesh becoming a middle-income country.

Most of the people in rural areas live below the poverty line and are involved with the primary sector. The problem of corruption is so pervasive that it is also affecting those involved with the primary sector in rural areas. The basic requirements for agriculture are fertilizers and seeds. Farmers even have to pay a bribe for these basic elements of agriculture (see Table 12.3).

On the other side, the secondary sector has remained in the facade of decay. Corruption is one of the major problems that haunts the economy. The business and industrial community, which

**Table 12.3 Payments of Bribes for Agricultural Services**

| *Area* | *Affected Household (%)* |
|---|---|
| Fertilizer collection | 95.40 |
| Seed collection | 78.10 |
| Subsidy | 48.00 |

*Source:* TIB, National Household Survey, 2010b.

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controls the secondary sector of the economy, has to pay extra money to policymakers and bureaucrats for obtaining necessary support.

People wonder how those in policy circles and bureaucratic structures add money to their bank accounts. They buy lot of consumer durables, including air conditioners for their residences, cars, and shares in the stock exchange and in real estate. Some of them even transfer huge amounts of money to foreign countries for buying houses and for setting up business terminals. These agile elements have also entered the political arena and forced the government in office to adopt measures for enabling them to earn extra benefits. They have become shareholders of establishments and factories without paying the value of shares of such units. In addition to these aspects of involvement in business and industry, these corrupt people have started smuggling goods, including narcotics, creating a grave social problem. In the process, the business and industrial communities are charging high prices for marketable products, including consumables, forcing poor consumers to pay higher prices (*The Daily News*, March 31, 2004).

The prevailing realities in the policy quarters and bureaucratic facades are all linked with corruption. On the one hand, business and industrial entrepreneurs maintain duplicate books of accounts and present reports to taxation authorities on their poor earnings. In collaboration with tax officials, who insist on bribe money, taxpayers pay less revenue to the treasury. Beyond such immediate gains, some members of the business and industrial communities have joined the political arena for rendering service to the people.

These entrants into the political arena have since created an environment of politicking for personal gain. Some of these agile elements in politics have become defaulters of huge bank loans and even service charges, including telephone bills, electric bills, and the like. They have even obtained grants for schools and colleges set up in their constituencies without ensuring accountability for such money. They also obtain extra benefit from contractors building bridges, highways, and roads in their areas. This leads to an increase of cost of running a business (see Table 12.4). Thus, Bangladesh may buckle under the gigantic burden of corruption.

### *12.2.6 Corruption and Human Rights*

Corrupt utilities are inevitably bankrupt utilities unable to extend service to those without it, usually the poorer segments of the society (Lovei and McKechnie 2000). So it is generally anti-poor and negates the human rights of the people. It slows down economic growth and diverts public funds away from social expenditures that directly benefit the poor or makes services more expensive. A study conducted by TIB found that corruption has negative impacts on two basic human rights in Bangladesh, education and healthcare, ultimately endangering "human security." According to the study, in the education sector, in terms of the experiences of service users, 34.7% encountered corruption in education under various guises: bribery (20%), negligence of duties (51%), nepotism (7%), embezzlement (21%), or deception (1%). In the health sector, in terms of their experiences as service users, 41.8% encountered corruption in health under various guises: bribery (52%), negligence of duties (43%), nepotism (1%), embezzlement (2%), or deception (2%) (Knox 2009).

### *12.2.7 Mutual Corruption Pressure*

Corruption is an exchange process, and it includes both the giving and the taking of a bribe. In general, corruption pressure between service seekers and public servants is more often implied than direct. Only in a small number of cases did public servants overtly seek cash, gifts, or favors, whereas in a greater number of cases they demonstrated that they expect something like that.

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**Table 12.4 Cost of Doing Business in Bangladesh (1 US$ = 67.25 BDT)**

| *Expenses Head* | *Legal Expenses in BDT* | *Illegal Expenses in BDT/Bribe* | *Remarks* |
|---|---|---|---|
| Trade license | Rural 1,000 | 500–2,000 | |
| | Town 250–10,000 | 10,000–12,000 | |
| Regulation of joint stock companies—name clearance | 500, which was Tk 5 only | 1,000–2,000 | |
| Import registration | Depends on value | 5,000–7,000 | |
| Export registration | 3,000+ | 5,000–10,000 | |
| TIN Registration | Nil/same-day delivery | 1,000–3,000 | Impossible on the same day |
| VAT Registration | Nil | 1,000–5,000 | 1,000–5,000 times |
| Electricity | Tk 5.75 kwh, depends on load | a) 10,000–30,000<br>b) Tk 1,000/kwh++ | Distance is also important for the bribe |
| Gas | Tk 4.12/cm, depends on pressure | 100,000–500,000 | Instances are there up to Tk 6 million extra |
| Environmental clearance | 25,000–100,000 | 50,000–300,000 | Through some special agents of special people |
| Taxman/inspector | Per tax law, 45%, 37.5%, 30%, and lower | 50% of the defaulted tax. Irresponsible disallowance/add-back, etc. | Sometime tax collector advises for evasion, many of them are the most notorious and rich government servants |
| Customs duty | Per customs law | There is no way out without a bribe, even for 100% clean documents and goods | Sometimes customs officials advise how to evade. They are among the richest government servants |
| Factory/shop inspector | Per rule | 2,000–10,000 | Yearly visit bribe |
| City Corp. Inspector | Per city corp. rule | No way out without bribing, even for clean assessment of tax | Advises how to evade and often goes for sharing a piece of the cake |

*Source:* DCCI, Economic policy paper on cost of doing business in Bangladesh. http://www.datacraftbd.com/dcci/economic_policy/Cost_of_Doing_BusinessFFFFF.pdf

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Most of the time, service seekers personally have initiated behavior that can be considered corrupt, that is, they exerted pressure aimed at corrupting. Therefore, corruption by service seekers is not so much a result of overt imposition but of willing acceptance, motivated by an understanding that this is the most efficient way to accomplish their interests and needs (Antonic et al. 2005).

### *12.2.8 Inefficiency of Public Services as a Precondition of Corruption*

Government officials are commonly blamed for their apathy and incompetence (Zafarullah and Rahman 2008). The key for placement and advancement of civil service employees has been obedience and nepotism and not expertise and quality of work. As a result, honest and qualified personnel are deprived of better postings and promotions, thereby eroding civil service ethics and demoralizing competent persons. Such a situation "undermines bureaucratic discipline, erodes accountability, promotes inefficiency and encourages corruption" (Sobhan 2001).

One of the key conditions for every business activity is the quality and adaptation of legal regulations to market conditions. In addition to the named regulations, of extreme importance is the quality of services provided by public services; from the quality of the road network, telephone, and other public utilities and healthcare services, to services of the executive branch. They form a social climate, or the environment that we most often assess as mostly favorable or mostly unfavorable to the development of entrepreneurship. Quality, for many of them, besides efficiency and promptness, also implies impartiality. Public services are seen in this context as providers of logistic support. Without this support, it is almost impossible to carry out modern business activity (Antonic et al. 2005). Private entrepreneurs consider the quality and efficiency of public services as poor. To fill these gaps or to expedite any work with government offices (like approval of trade license or getting connection of utility services), there is a general tendency to provide "speed money."

### *12.2.9 Culture of Impunity*

Usually, unethical conduct—be it bribery, theft, nepotism, embezzlement, or abuse of power is putting someone above or beyond the law is a violation of law. Thus, consistent and fair enforcement of law can be the first priority to ensure corruption-free civil service (Makrydemtres 2002). But in Bangladesh, a culture of impunity has developed where many in power do not expect to be held accountable for their actions. Even when appropriate laws and institutions are in place, their proper functioning is often hampered by lack of political will or money power (Aminuzzaman 2004). There is hardly any evidence of exemplary punishment for corruption except some instances during the last caretaker government (2006–2008). But later on, though many of such cases were filed in the higher court, ultimately almost all of them ended without any conviction.

Sometimes there is a tendency to bend laws in favor of influential people, such as the amendment of the ACC Act, 2004. The ACC's functional independence has been effectively negated by requiring it to take prior permission from the executive before proceeding with corruption charges against government functionaries and MPs. On February 28, 2011, the ACC (amendment) Act 2011 was placed in Parliament proposing a new Section 32A that stipulates that the provisions in Section 197 of the Code of Criminal Procedure must be followed in filing a graft case against a judge, magistrate, or public servant. A copy of such an approval must be submitted as a precondition for lodging a case. To expect that prior approval in such cases may be obtained is to fly in the face of the evidence. This will mean that corruption in the public sector as a whole will be practically outside the jurisdiction of the ACC. Corruption in all sectors and strata of the society should be treated on an equal footing and must be within the jurisdiction of the ACC.

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Exclusion of any particular sector, especially the public service, will be counterproductive to the objective of controlling corruption effectively (TIB 2011).

### *12.2.10 Collection of Illegal Money*

Lower-level employees are often used as the collectors of illegal money from various sources. The price of the weight of an individual position in the hierarchy is not only measured by salary but also by the possibility of the illegal collection for services. This of course increases their attractiveness, on the one hand, and discretion, on the other. For getting posted in those lucrative places, one has to spend a huge amount of money or use connections with political leaders or any other influential persons. There are many posts in different departments, such as police, tax, customs, roads and highway, land, and so on, which are treated as an investment for making illegal money. In many cases, the share of this extra money reaches the topmost position of the ladder.

### *12.2.11 Frequency and Magnitude of Corruption*

The problem of corruption persists throughout the bureaucracy in Bangladesh. But the intensity, frequency, and magnitude vary on the basis of the position in the hierarchy. The higher the level of bureaucracy, the less the frequency but higher the amount of bribes; alternatively, the lower the level of bureaucracy, the higher the frequency but lower the amount of bribes. The competences for sought services are available in the higher services and beyond the jurisdiction of the lower-level employees. The "percentage or commission" businesses in big projects are such an example where the senior-level officials have a big share. Another reason that fuels petty corruption at the lower levels is the low level of risk. It is a general phenomenon to pay a certain percentage of money to the accounts section or to the approval authority of the payment during any transaction. For example, when a contractor submits his/her bill after completion of work, he/she has to pay certain percentage of money, which is popularly known as PC (an abbreviated form of percentage). Generally, the range is 2–10% of the bill. In many cases, even the government officials themselves cannot escape from paying bribes for their personal bills, especially during the payment of their pensions (when they receive a good amount of money). This is creating a chain of corrupt practices in the entire bureaucracy.

### *12.2.12 Complicated and Cumbersome Procedures in Government Offices*

It is alleged that the working of certain government departments such as Customs and Excise, Land Administration, Police, and Tax are complicated and cumbersome. Sometimes corrupt civil servants make the situation more complex with bad intentions. Such activities delay entire works and may also harass service recipients. This has encouraged the growth of dishonest practices, such as the system of "speedy money" or *dalal* (broker).

### *12.2.13 Insufficient Allocation*

To perform a job, there should be sufficient resources or money. But in many cases, there is not enough allocation. As a result, one has to manage money from different sources. This may happen in various forms such as creating false vouchers or collecting funds from local elites/businessmen. These actions

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have become a culture in many organizations. Senior officials remain silent on these cases or even give instruction to do so, as there is no alternative. For example, for the investigation of a case, a police officer is not provided sufficient money. So he/she has a tendency to take money from the people concerned. This practice leads to habitual corruption and harassment of the people concerned.

### *12.2.14 Poor Remuneration*

Pay is a significant feature of human resources management, and adequate pay is crucial to sustaining motivation, performance, and integrity of public servants. Many of the problems of Bangladesh's dysfunctional bureaucracy can be linked to poor pay, the result of a persistent erosion and compression of salaries (World Bank 1996). Some of the nonsurvey evidence is suggestive: bureaucrats in the top management level in Bangladesh earn only one-seventh of their counterparts in the private sector (HDC 1999). Also, salaries for mid- to senior-level officials in the private sector remain four to six times more than for those in the public sector (Chowdhury 1999). Since 1971, the extent of wage fall in real terms has been dramatic: 87% at the highest level and 43% at the lowest level (World Bank 1996). At present, the situation is getting worse rather than better, creating a "demonstrative effect" on civil servants to maintain a standard of life equivalent to others working in the private sector. In most of the cases, it is said that the corruption in Bangladesh is "need-based" rather than "greed-based," especially in the lower echelons. It appears that there is gradual acceptance of "petty" corruption by which lower-level administrators supplement their income. Ahmad (2009) in his study found that the extent of income from "corrupt" practices varied on average from 10 to 500% of basic income, depending on position, level of authority, and nature of decisions involved. Thus, corruption in Bangladesh tends to flourish when poorly paid public officials have a lot of discretion to perform monopoly functions with limited accountability.*

### *12.2.15 "Petty Corruption" Far from Petty*

Petty corruption in Bangladesh is often well organized. Trade unions protect corrupt workers, politicians protect the unions, and accompanying this protection is a stream of stolen revenues from the lower-level staffers (like meter readers) to unions to politicians. All sorts of irregularities by different government service providers such as the Bangladesh Power Development Board (BPDB), the Water and Sewerage Authority (WASA), and so on, which are conveniently termed "system losses," generate millions of taka in black money. For example, revenues are collected for only 55% of the power generated in Bangladesh. By one estimate, about half the total system losses of the BPDB and Dhaka Electricity Supply Authority (DESA) are accounted for by mismanagement and petty corruption surrounding electricity metering. The losses of the BPDB and DESA amount to more than $100 million each year (Lovei and McKechnie 2000). So the aggregate impact of "petty corruption" may be far from petty.

### *12.2.16 Citizens' Behavior*

The politicians and the government functionaries should not be the only ones blamed for corruption that is plaguing Bangladesh. The common populace is also responsible through bribing

* The World Bank provides a suggestive formula of corruption as: C = M + D – A – S, in which "C" stands for corruption, "M" for monopoly, "D" for discretion, "A" for accountability, and "S" for public sector salaries.

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for personal interests, voting for corrupt people, breaking laws for small benefits, finding ways to escape from the law, finding illegal shortcut ways, and finding ways to avoid paying taxes (Khan 2011).

## 12.3 Policies to Combat Corruption

Developing and maintaining high standards of values, ethics, and conduct in public services and combating corruption have received the attention of governments and international agencies in recent years (Larbi 2001). The need to build confidence in governments in light of the increased concern about corruption and the unethical behavior of civil servants prompted governments to review their approaches to ethical conduct (UNDP 2007). Prompted by the concerns over corruption in many countries, international agencies and their development partners have significantly stretched their policy frontiers by endorsing "good governance" as a core element of their development strategies. However, the strategies and policies for managing ethics and checking corruption in the public sector are often weak. To address an acute problem such as corruption, a comprehensive strategy considering all the related factors are required. The equation of "net utility of corruption" may help us by detailing the factors of corruption.

{Net utility of corruption} = f {Income from corruption,
legitimate income (or fair wages),
strength of political institutions,
moral and political values of the society,
probability of being caught and punished} (Jain 2001)

To reduce the instances of corruption in Bangladesh, approaches such as universalistic, state-centric, and society-centric can be effective. The universalistic approach emphasizes political will and an overhaul of state institutions: parliament, executive, judiciary, supreme audit institutions, ombudsman's office, independent anticorruption agencies, and local government. It requires the engagement of the media, civil society, private sector, and international actors. Further, changes may be necessary in the election processes, administrative law, public service ethics, financial management systems, competition policies, and laws.

In the state-centric approach, fighting corruption requires reform of economic policy, public expenditure/financial management, administrative/civil service reform, legal and judicial systems, and public oversight mechanisms. This approach emphasizes increasing accountability and transparency of the public sector processes and services. The society-centric approach stresses the role of "civil society" and NGOs in the fight against corruption (Manzoor 2007).

In Bangladesh, the politicians in power are involved in most cases of corruption. Bureaucracy acts as their allied agent, and a nexus is formed between them. To reduce corruption, this nexus needs to be broken. One of the main reasons for political corruption is election expenditure. The Election Commission can play an important role in reducing election expenditure. The ACC needs to be made independent, effective, and efficient to properly investigate corruption cases. The ACC should provide some exemplary punishments to have a demonstrative effect. They should work independently and not just harass the opposition party members.

Leaders at the top of an organization shape the manner in which it operates. Leaders create and sustain a culture that focuses on the centrality of ethical behavior. They set the tone, establish the

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rules, and set an example of organization expectations. When a top leader engages in unethical behavior or fails to demonstrate by example that ethical practices are the norm, the attitude permeates every corner of the organization (Martinez 2009). So both the political and the bureaucratic leaders need to demonstrate their ethical standards to inspire juniors.

One of the root causes of the proliferation of corruption seems to be the complicated procedures of government offices. These procedures need to be evaluated and simplified. It is said that corruption flourishes in the dark, and sunlight is the best disinfectant. Any effort to counter corruption can usefully start with efforts to minimize the extent and depths of the shadows within officialdom. To make the administrative procedure transparent, all the information needs to be open to everybody. For this, proper implementation of the Right to Information Act 2009 is necessary. To bring transparency, the activities of various watchdog organizations such as the media and civil society need to be increased. To bring transparency to the procurement process, the Public Procurement Rules, 2008, need to be strictly followed. Initiatives should be taken to find out the loopholes of the existing financial and procurement rules. Just framing rules will not be enough; effective institutional arrangements should be in place to implement the rules.

Complexities associated with government activities are a source of corruption. So it is required to simplify administrative procedures. Introduction of e-governance also will help to reduce delays (address inefficiency), reduce discretion (address corruption), and facilitate monitoring (control). As stated by Amundsen and de Andrade (2009), "No institution can be expected to perform with professionalism in the absence of qualified and motivated personnel. One of the most destructive features of corruption is when people are appointed to public service based on their connections rather than on their capabilities. The institutional arrangements for selecting, recruiting, promoting, and dismissing public servants are central to the proper functioning of the public sector and can best be provided through legislation. A public service whose members are appointed and promoted based on merit will be far less susceptible to corruption than one based predominantly on political and personal connections. So, the institutional arrangements for selecting, recruiting, promoting and dismissing public servants are central to the proper functioning of the public sector." The allegations associated with the Public Service Commission in Bangladesh need to be addressed so that it can work independently and effectively. Posting and promotion systems need to be transparent so that competent and meritorious persons can be placed in the right places.

The pay levels are important as an incentive for civil service employees not to be corrupt or dishonest. Civil servants normally aspire to achieve a "fair" income like any rational human being. The incentives for public servants to reject corruption and work efficiently are much higher if the system of remuneration is based on the principle of meritocracy. If fair wages are paid, government officials may willingly forgo opportunities for corruption, especially in the context of strong internal and external control systems that are operational and effective (Tayeb and Rahman 2001). The same observation is described by Shapiro and Stiglitz (1984) in their "shirking model," which shows the interrelation among a list of factors related with expected income of a civil servant. The model can be illustrated as follows:

$$EI = (1 - P(C))\,(CB + WG) + P(C)(WP - f)$$

where

EI = Expected income

P = Probability of detection followed by punishment

C = Number of corrupt acts (a continuous variable)

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WG and WP = Wages in government and private sectors, respectively
B = Level of bribe
f = Other penalties, such as fine or jail terms.

The aforementioned illustration clearly indicates why pay reform has been an important issue in public service management throughout the world. Poor salary is often used as the justification for corruption in Bangladesh. Civil servants are ill paid compared to those in the private sector. So, civil servants are to be paid sufficient salaries to be able to lead a decent life.

As the human mind is endlessly inventive and can be used for all sorts of purposes, even a properly functioning organization can never prevent or correct all unethical activities. But, it can establish procedures and organizational ethics that discourage the majority of abuses and mitigate the damage in cases where prevention will not be possible (Martinez 2009). The list of possible measures and tools for curbing or restricting bureaucratic corruption is long; the aforementioned suggestions (non-exhaustive) may act as possible ways out to get rid of this malaise or at least help to improve the present dismal scenario of corruption in Bangladesh.

## 12.4 Conclusion

The immediate past military-backed caretaker government made an attempt to fight corruption and had some initial success. The ACC law was amended through ordinances, and special courts were set up for expeditious trial of cases. Many high-profile politicians, including the present prime minister and the leader of the opposition, prominent businessmen, and bureaucrats, were sent to jail on corruption charges, and special courts sentenced some of them. The Truth and Accountability Commission (TAC) was also set up to offer partial amnesty in return for information about corrupt deals and the refunding of dishonestly acquired money to state coffers. The idea was to clear a massive backlog of corruption cases. A total of 452 people sought clemency from the TAC under the voluntary disclosure of information ordinance. Among them, 270 were listed by the ACC as graft suspects. It also said that TAC realized BDT34 crore in penalties from the corruption suspects. Some 351 civil servants went to the TAC.

Through these activities, the government created a sense of hope for the nation, but it did not last long. The role the ACC played during the caretaker government has been widely debated, especially with regard to the question of political use of the commission, due process in the cases, and the commission's accountability. The fact remains that there was more than one power center that shaped the policies and actions during the caretaker government, more so for the anticorruption drive (Iftekharuzzaman 2010). It has taken many positive steps, and corruption of government servants/relevant authorities was reduced. Moreover, most of the allegations it made against influential persons were thought to be true or partly true by the people in Bangladesh. But with passage of times, it was evident that even the ACC is not free from influence. Some of its actions were usual, some were in good faith, and some were to control politics and politicians. This double-standard policy has enabled corrupt people to claim innocence. The failure to ensure due judicial process tarnished the image of the then-government's commitment to the rule of law, and more importantly, it turned out to be counterproductive to the cause of anticorruption in general and came as a challenge to the image of the ACC in particular (Iftekharuzzaman 2010). This anticorruption drive provides an important lesson for Bangladesh as well as other developing countries that when a good initiative to curb corruption mingles with other hidden motives, it can ruin the entire process.

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The caretaker government stepped down in December 2008 and the government led by the Awami League took office in January 2009. After assuming power, the government pledged to fight corruption and reaffirmed the need for a strong anticorruption commission. But what is interesting to note is that many cases that were filed against leading Awami League party politicians by the ACC under the caretaker government were dismissed due to political considerations since 2009. Besides, rather than making the ACC more independent and effective, the government has approved an amendment to the ACC Act that has significantly undermined its independence and hampered its effectiveness. Corruption still remains a significant problem in Bangladesh, and to fully combat corruption, Bangladesh needs structural changes in politics, much more accountability and transparency in governance, and the political will to continue the fight against corruption at all levels (BACP 2012).

## References

Ades, A., & Di Tella, R. (1994). Competition and corruption. Working Paper, Oxford University, Institute of Economics and Statistics.

Ahmad, M. (2009). Governance, structural adjustment and the state of corruption in Bangladesh. Available online at http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan047830.pdf.

Aminuzzaman, S.M. (Undated). *Corruption and Development in Bangladesh: A Search for a Strategic Focus*.

Aminuzzaman, S.M. (2004). *A Regional Overview Report on National Integrity Systems in South Asia*. Transparency International, South Asia Regional Workshop on National Integrity Systems. Karachi, Pakistan, 18–20 December.

Amundsen, I., & de Andrade, V., eds. (2009). *Public Sector Ethics. Compendium for Teaching at the Catholic University of Angola (UCAN)*. http://www.cmi.no/publications/file/3290-introduction-to-public-sector-ethics.pdf (accessed August 20, 2012).

Antonic, D., Budimir, B., Begiovic, B., Hiber, D., Ivošević, Z., Kavran, D., Mijatović, B., et al. (2005). *Corruption in Serbia*. Belgrade: Center for Liberal-Democratic Studies.

Business Anti-Corruption Portal. (2012). Public anti-corruption initiatives. Available at http://www.business-anti-corruption.com/ar/country-profiles/south-asia/bangladesh/initiatives/public-anti-corruption-initiatives.

Chapman, R. (1993). Introduction. In R. Chapman (Ed.), *Ethics in Public Service* (pp. 1–6). Edinburgh: Edinburgh University Press.

Chowdhury, M.N. (1999). Reform of public administration: Next steps. *Background Papers for Bangladesh IGR*.

Daily News. (March 31, 2004). Cost of running business in Bangladesh (Editorial). http://www.bangladesh-web.com/view.php?hidDate=2004-04-06&hidType=HIG&hidRecord=0000000000000000004892 (accessed August 20, 2012).

Doig, A., & McIvor, S. (1999). Corruption and its control in the development context: An analysis and selective review of literature. *Third World Quarterly 20*: 657–676.

Frisch, D. (1994). *Effects of Corruption on Development in Corruption: Democracy and Human Rights in West Africa*. Cotonou: Africa Leadership Forum.

HDC (Human Development Centre). (1999). *Human Development in South Asia: The Crisis of Governance*. Karachi: Oxford University Press.

Iftekharuzzaman. (2010). Can we expect an effective ACC? *The Daily Star* (February 23).

IMF (International Monetary Fund). (1995). *Unproductive Public Expenditures: A Pragmatic Approach to Policy Analysis*. IMF Pamphlet Series 48, Washington, DC.

Isham, J., Kaufmann, D., & Pritchett, L.H. (1995). *Governance, and Returns on Investment: An Empirical Investigation*. Policy Research Working Paper 1550, Poverty and Human Resources Division, World Bank, Washington, DC.

Jain, A.K. (2001). Corruption: A review. *Journal of Economic Surveys 15*(1): 71–121.

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Johnston, M. (1998). Fighting systematic corruption: Social foundations for institutional reform. In M. Robinson (Ed.), *Corruption and Development* (pp. 85–104). London: Frank Cass.

Khan, M.A. (2011). ACC defanged to the pleasure of the corrupt. *Blitz 7*(32). http://www.weeklyblitz.net/1306/acc-defanged-to-the-pleasure-of-the-corrupt (accessed August 20, 2012).

Knack, S., & Keefer, P. (1995). Institutions and economic performance: Cross-country tests using alternative institutional measures. *Economics and Politics 7*: 207–227.

Knox, C. (2009). Dealing with sectoral corruption in Bangladesh: Developing citizen involvement. *Public Administration and Development 29*: 117–132.

Larbi, G. (2001). Assessing infrastructure for managing ethics in the public service in Ethiopia: Challenges and lessons for reformers. *International Review of Administrative Sciences 67*: 251–262.

Lawton, A. (1998). *Ethical Management for Public Services*. Buckingham: Open University Press.

Lovei, L., & McKechnie, A. (2000). *The Costs of Corruption for the Poor—The Energy Sector*. Public Policy for the Private Sector. Note No. 207. Washington, DC: World Bank.

Makrydemtres, A. (2002). Dealing with ethical dilemmas in public administration: The 'ALIR' imperatives of ethical reasoning. Report Prepared for UNPAN. http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN009319.pdf (accessed August 20, 2012).

Manzoor, H. (2007). Public Sector Corruption in Bangladesh: Political and Bureaucratic, Victory Day Commemorative Seminar. Bangladesh Institute of International and Strategic Studies; December 13.

Martinez, J.M. (2009). *Public Administration Ethics*. Santa Barbara, CA: ABC-CLIO.

Mauro, P. (1997). Why worry about corruption? *Economic Issues 6*: 1–13.

Shapiro, C., & Stiglitz, J.E. (1984). Involuntary unemployment as a worker discipline device. *American Economic Review 74*: 433–444.

Shen, C., & Williamson, J.B. (2005). Corruption, Democracy, Economic Freedom, and State Strength: A Cross-National Analysis. *International Journal of Comparative Sociology, 46*(4): 327–345.

Sobhan, R. (2001). The state of governance in Bangladesh. In R. Sobhan (Ed.), *Changes and Challenges*. Dhaka: Centre for Policy Dialogue and University Press, pp. 77–144.

Tayeb, A., & Rahman, R. (2001). *Reforming the Civil Service for Government Performance*. Dhaka: University Press Limited.

TI (Transparency International). (2011). Daily lives and corruption: Public opinion in South Asia. http://www.transparency.org/whatwedo/pub/daily_lives_and_corruption_public_opinion_in_south_asia (accessed August 20, 2012).

TIB (Transparency International Bangladesh). (2010a). Annual report. Available at http://www.ti-bangladesh.org/documents/annualreport/TIB%20Annual%20Report%202010.pdf.

TIB (Transparency International Bangladesh). (2010b). National household survey.

TIB (Transparency International Bangladesh). (2011). Position paper: Call to reconsider the Anti-corruption Commission (Amendment) Act 2011.

UNDP (United Nations Development Programme. (2007). *Case Evidence on Ethics and Values in Civil Service Reforms*. New York: NY.

Wei, S.J. (1997). *How Taxing is Corruption in International Investors?* Cambridge, MA: Kennedy School of Government, Harvard University.

World Bank. (1996). *Bangladesh: Labor Market Policies for Higher Employment*. World Bank, Washington, DC.

World Bank. (1997). *The State of a Changing World: World Development Report 1997*. Oxford: Oxford University Press.

Zafarullah, H., & Rahman, R. (2008). The impaired state: assessing state capacity and governance in Bangladesh. *International Journal of Public Sector Management 21*(7): 739–752.

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# *Chapter 13*

# Freedom of Information in Bangladesh: Policy Dynamics, Present State, and Challenges

Pranab Kumar Panday and Golam Rabbani

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## 13.1 Introduction

Generally, freedom of information (FOI) and the right to information (RTI) are used synonymously, since both terms refer to the free flow of government information and its accessibility to all populations irrespective of their caste, creed, and religion. Such access to information is considered a universal fundamental right.* RTI or FOI has gained paramount interest in the development discourse since information is considered as an integral part of economic and political development. Accessibility of information and the use of information determine the economic and political activities at every level of a society. From the economic perspective, information helps domestic producers to produce market-oriented products, while national and international policy outcomes are defined as per the availability of information that influences the market prices of products. From the political science perspective, it is really impossible to ensure better analysis, monitoring, and evaluation of policies that are significant for people's economic and social well-being (Islam 2006; Wilson and Warnock 2007).

Citizens' access to information (ATI) is one of the most important prerequisites to ensure openness in governance that ultimately helps the authorities to prove themselves as transparent and accountable in their activities. As a matter of fact, transparency in the governance process will reduce the chances of corruption and create more avenues for holding government accountable. For this reason, FOI is regarded as a standard good practice in the international arena.

* The United Nations (UN) recognized freedom of information as a fundamental human right at the middle of the nineteenth century when the UN General Assembly accepted Resolution 59(1) in its first session in 1946, stating that "freedom of information is a fundamental human right and … the touchstone of all the freedoms to which the UN is consecrated" (cited in Mendel 2009, p. 3).

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Nowadays, developing countries are enacting FOI laws or adopting ATI as an approach to promote economic growth by curbing corruption (Blanton 2002; Florini 1999; Halstuk 2008; Open Society Justice Initiative 2006). To be more specific, many nations have enacted FOI laws for ensuring democratic practices through fostering governmental accountability, while others have enacted the legislation to build public trust (Grigorescu 2003, cited in Relly and Cuillier 2010).

Like other countries of the world, the Government of Bangladesh enacted the RTI Act in 2009.* This chapter tries to explore the historical background of FOI in the country, the dynamics of the enactment of the RTI and its implementation status, and opportunities and challenges of RTI while ensuring FOI of the general public. The authors have constructed their ideas mostly on the basis of review of secondary literature. In some cases, newspapers as a source of primary data have also been consulted.

## 13.2 Historical Background: FOI Reform

It is taken for granted that several actors and factors interplay in the process of policy-making. Every actor tries to influence the government in such a way that the policy favors their interest. Scholars around the world have tried to identify and analyze the role of different actors in the process of formulation of FOI laws. For instance, Michener (2011) in his study on the Latin American context tried to measure the extent of the media's role by analyzing the extent of coverage of news related to FOI in the media. On the other hand, political leaders' roles have been analyzed through measurement of the degree to which the president uses his negative agenda-setting power (parliamentary majorities and constitutional powers) for delaying and resisting the process of making of strict laws. McClean (2011) has identified five major institutional factors that played crucial roles in the process of the introduction of FOI-related laws. These factors include a particular set of interests, power relations, patterns of interaction, strategies of accountability, and administrative control. However, access to rights varies according to the features of the socioeconomic context of the country. In this section, an attempt has been made to explore why and in what context the RTI was enacted in Bangladesh.

### *13.2.1 Contextual Reality*

Bangladesh ranked number one in the list of most corrupt countries in the world published by Transparency International (TI) for five consecutive years from 2001 to 2006. After 2000, national and international actors started to raise their voices against the process of institutionalization of corruption in every sphere of administrative and social function of the country. Civil rights activists, civil society organization (CSO) representatives, intellectuals, and researchers were claiming that secrecy and lack of transparency are the significant causes of widespread corruption in government activities (Chowdhury and Mazumder 2004; Laskar 2005; World Bank 2000; Zakiuddin 2000). A 2003 report of the Commonwealth Human Rights Initiatives (CHRI) stated that Bangladesh along with 12 commonwealth countries did not formulate any law or policy to ensure FOI policy. It also found that "habits of secrecy" are prevailing everywhere contributing to corruption and hampering the economic growth and equal distribution of resources. In this backdrop, policy advocates and other stakeholders started demanding in the early 2000s that the

* Bangladesh, a South Asian country, became independent on December 16, 1997.

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RTI or FOI can be helpful to ensure transparency and accountability of government activities. Interest groups at all levels took necessary initiatives from 2000 to set the RTI agenda in public policy process (Iftekharuzzaman 2009; Rahman 2011).

### 13.2.2 Political Factors

Gill and Hughes (2005) expressed that positive attitudes of political and administrative executives about the access-to-information legislation had significant influence on finalization and implementation of this policy into law. The Bangladesh Awami League (AL) played a dominant role in finalizing the RTI Act. One of the major slogans of the AL's 2008 election manifesto was to establish "digital Bangladesh" that ultimately has close linkage with the FOI of Bangladesh. Considering domination of the heads of the leaders of the party in the party affairs, it can be said that without the consent of the chief of the party, nothing can be inserted in the election manifesto. Since AL included the issue of establishment of digital Bangladesh in its election manifesto, it could be ascertained that AL wanted to make information freely available to the people. The AL chief and the present prime minister's attitude was proactive toward formulating and implementing the RTI Act in Bangladesh (Halim 2011; Iftekharuzzaman 2009; Rahman 2011). *The Daily Star* (August 6, 2011) observed that "enactment of the Right to Information Act is an epoch-making incident in the history of Bangladesh … it will greatly help establish accountability and transparency in every sphere of society and the administration … the government will continue to work to safeguard the people's right to information." Unlike the prime minister, the state minister for information stated that information could be used as an effective tool to control corruption. He assured that the ruling government was committed to implement the RTI Act in letter and spirit to ensure transparency and accountability of the government's activities so that it could help establishment of good governance in the country (retrieved from http://www.manusher.org/rti_conference/Final_Report_2st_July_2009.pdf, on 16/09/2010). The AL government and its leadership have not only showed a positive attitude toward the RTI Act but also have been vocal on the issue of connecting Bangladesh with the information super highway (ISH) and enactment of Information and Communication Technology Policy Act 2003 in Bangladesh (Hasan 2003).

### 13.2.3 International and Regional Wave

RTI or FOI is not a new concept. There is an exciting history toward recognition of the FOI by states and intergovernmental organizations. This has both a long and a very recent history. Xiao (2011) in his paper on China argued that reform is not a product of economic expansion and an effort to tackle corruption but rather an outcome of improved information flow resulting from social, political, legal, and economic factors. Thus, Xiao identified these as push factors for the enactment of FOI laws. Berliner (2011) in his study found a relationship between the competitiveness of the political environment and timing of FOI law enactment. When political actors in power assume that they may not be able to regain power the next time, they are most likely to institutionalize FOI so that they would not face hindrance to access government information in the future. Through accessing government information they would be in a better position to monitor the activities of the power holders. On the other hand, the ruling political government will try to control the executive agencies staffed by the previous government through different mechanisms of accountability and transparency, including FOI. Finally, the possibility of enactment of the FOI laws will be high when there is greater pressure from international organizations through intergovernmental organizations and within geographic neighborhoods.

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The first law about RTI, the Access to Public Records Act was passed by the Swedish government in 1766 (CPA, CHRI, HRCP, 2001). In 1946, the UN General Assembly approved the resolution, highlighting the general people's FOI. In 1948, through Article 19 of UDHR, people's rights to access public information were recognized. The Council of Europe and the European Union, Commonwealth, and the African Union introduced provisions relating to people's access to information in their own constitution in 1950, 1980, and 2002, respectively (Daruwala and Nayak 2007). In the Indian subcontinent, Pakistan and India passed the act in 2002 and 2005, respectively (Anam 2009a). Thus, there was a constant pressure from the international community on the Government of Bangladesh to enact laws relating to access to information.

### *13.2.4 Advocacy by Actors Non-State*

The Press Council of Bangladesh (PIC)* expressed a demand in 1983 to the military government for publishing government information in the media since the press was facing barriers in publishing certain news because of the dictates of the autocratic government (Anam 2009a). This effort is considered as an entry point toward enactment of the RTI Act. In 1999, Ain O Salish Kendro (ASK)† and the Bangladesh Legal Aid Service Trust (BLAST)‡ partnered with the CHRI in organizing a three-day seminar in Dhaka to evaluate the situation of access to information in the context of South Asia. This workshop played a significant role in enabling stakeholders to promote the issue of access to information in different ways (Anam 2009b). In 2002, the Law Commission prepared a working paper on RTI with the rationalization and implication for such a law in Bangladesh. However, the Bangladesh Nationalist Party (BNP)—led alliance government did not take any initiative to formulate this act. Being motivated by the international wave favoring enactment of RTI law, various advocacy groups started to organize advocacy programs in Bangladesh. In this context, *Manusher Jonno Foundation* (MJF), a locally funded organization in Bangladesh, formed a platform in 2005 by partnering with large- and small-scale nongovernmental organizations (NGOs). Their main objective was to continue advocacy on the issue of free flow of information and people's right to know. In Bangladesh, the last caretaker government, through a gazette notification on October 21, 2008, promulgated the RTI Ordinance (No. 50 of 2008), gaining experience from the Indian RTI Act, 2005 (Alam 2011). After an active advocacy and lobbying of CSOs, the present AL-led government enacted the RTI Law 2009 in Parliament on March 29, 2009 (Anam 2009b). Table 13.1 shows the chronological development of the FOI policy in Bangladesh.

The above discussion leads us to a conclusion that the enactment of the RTI Act, 2009, was not the result of influence of a particular factor. Instead, it was an outcome of the influence of different historical, political, and international factors and the influence of local NGOs and CSOs on the government. It is also important to note that the present AL government led by Sheikh Hasina immediately after assuming office showed its commitment toward enactment of the RTI acts and establishment of digital Bangladesh, which are closely related. However, the last caretaker government deserves special appreciation since it promulgated the RTI Ordinance. This initiative made the task of the AL government easier since it was its responsibility to ratify the ordinance in the first session of the new Parliament, and the government acted in the right direction.

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* The PIC is a quasi-judicial body that regulates the activities of the media in Bangladesh.

† A Dhaka-based legal aid and human rights organization in Bangladesh.

‡ BLAST is one of the pioneer activists that is working to make the legal system accessible to the poor and the marginalized people.

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**Table 13.1 Chronological Development of FOI Policy**

| *Name of events* | *Time* |
|---|---|
| The PIC expressed a demand to the military-ruled government to publish government-related information in the media. | 1983 |
| The South Asian Regional Conference on RTI was organized by the CHRI in Dhaka. | July 1999 |
| The Bangladesh Law Commission sent a working paper to the law ministry to formulate the proposed law based on the South Asian Regional Conference on RTI, recognizing citizens' RTI. | 2002 |
| The CHRI wrote to the Minister of Law, Justice and Parliamentary Affairs.[a] | August 2005 |
| The Manusher Jonno Foundation prepared a draft RTI bill. | November 2006 |
| The caretaker government drafted a RTI Ordinance. | June 2, 2008 |
| CHRI submitted a detailed recommendation to the Ministry of Information, Government of Bangladesh for strengthening the provisions of the draft. | February 2008 |
| RTI Bill prepared and submitted to the Government of Bangladesh by civil society organizations under the leadership of Manusher Jonno Foundation. | February 2008 |
| The AL government headed by Sheikh Hasina enacted the RTI Act 2009. | March 29, 2009 |

*Source:* http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm#4.

[a] Daruwala M. et al. (2008). *Supplementary Recommendations for Strengthening the Draft Right to Information Ordinance 2008*. New Delhi: Commonwealth Human Rights Initiative.

## 13.3 The Current Situation of FOI in Bangladesh

Freedom House, an independent watchdog organization, in its Global Press Freedom Rankings has measured* the state of FOI in Bangladesh with that of other countries in South Asia. In South Asia, a changed scenario has been noticed in terms of the state of FOI. A positive trend has been noted in the context of Bangladesh and Bhutan, despite the overall global downward trend. Bangladesh moved from "Not Free" (2008) to "Partly Free" (2009). Thus, its score decreased to 56 from 68 (retrieved from http://www.freedomhouse.org/template.cfm?page=16). After an end to the army-backed caretaker government in 2008, the media worked more freely as the democratically elected AL government that was very keen to fulfill its election promises through enactment of the RTI Act. In addition, diversification and growth of private television channels has certainly helped improve the state of FOI in the country. For assessing the situation of FOI in Bangladesh, an attempt has also been made to analyze indicators like news media rights, civil liberties, political rights, and e-governance.

* Each country is ranked on a scale of 0 to 100, with 0 being the best and 100 being the worst. A combined score of 0–30 = free, 31–60 = partly free, 61–100 = not free.

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### *13.3.1 News Media Rights*

According to the normative theory, journalists are believed to play the role of "watchdog" in society because they gather information from and about the government (Besley and Burgess 2001; Richter 2008). Scholars viewed that journalists upholding democratic ideology and professionalism serve as informers of the citizenry, who in turn become well informed about the democratic process (Cook 2005; Gans 2003). News media of Bangladesh do not enjoy the freedom required to ensure free flow of information (Salam 1997). When it concerns the state of freedom of news media, the Government of Bangladesh always tries to control media through framing different rules and regulations. To be honest, journalists face different types of violence during collection and dissemination of information. Moreover, media workers need to accommodate hidden guidelines of their owners while discharging their responsibilities, also a type of control (Hoque 1992; Salam 1997).* Table 13.2 shows the state of media freedom in Bangladesh according to Freedom House.

### *13.3.2 Civil Liberties*

Civil society holds a very important place in the literature of democracy and openness. An extensive number of human rights declarations are linked to freedom of expression and access to information (Shen and Williamson 2005). It has been argued that access to information is the foundation of human rights doctrine since individuals need information to determine human rights violations. In many countries, civil society movements and citizen activism have helped the momentum for the drafting and adopting of RTI laws in legislatures (Arko-Cobbah 2003; Richter 2008). In Bangladesh, a large number of CSOs are working on the issue of ensuring basic

**Table 13.2 Media Freedom in Bangladesh**

| *Year* | *Index (Position)* |
|---|---|
| 2002 | 118 out of 139 countries |
| 2003 | 143 out of 166 countries |
| 2004 and 2005 | 151 out of 167 countries |
| 2006 | 137 out of 168 countries |
| 2007 | 134 (nd) |
| 2008 | 136 (nd) |
| 2009 | 121 (nd) |
| 2010 | 126 (nd) |

*Source:* Compiled from Freedom House's reports published in different years. For more details, see http://www.freedomhouse.org/template.cfm?page = 1.

* As a matter of fact, both electronic and print media are politically divided in Bangladesh; they play political roles in most cases. Some directly support the ruling party while others belong to the opposition party. Even leaders of different political parties own different electronic and print media houses.

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rights of common people. Apart from different CSOs, numerous global nongovernmental organizations (NGOs) are also working in Bangladesh to meet the basic needs of the poor and the disadvantaged people in the form of education, health care, and microcredit. It is important to mention that almost 2,068 NGOs are working in Bangladesh with the assistance of foreign funds, while more than 100 NGOs/CSOs with support from international organizations such as the Commonwealth Human Right Initiatives are working actively to ensure FOI. Moreover, many NGOs are working under different forums. For instance, the RTI Forum of 30-plus organizations has been working since August 21, 2008 (Manusher Jonno Information Sheet 2009).

### *13.3.3 Political Rights*

Scholars have established the linkage between democracy and access to information. Despite differences among democratic forms, democratic governments are supposed to provide greater access to information than autocratic regimes (Lor and Britz 2007; Peksen 2010; Roberts 2004). Democracy in Bangladesh is now at crossroads since it started practicing democracy for the second time in 1991 after overthrowing the autocratic regime. Until now, Bangladeshi political culture has been characterized by confrontational politics, lack of respect for others' criticism and opinion, and lack of freedom to express political rights and ideologies (Chowdhury and Mazumder 2004; Islam 2007; Khan 2007; Rahman 2007).*

Despite different criticisms regarding the state of press freedom in the country, Freedom House has published an encouraging rating of the state of political freedom in Bangladesh. According to the report, Bangladesh has been classified in the partially free category and has been rated number 3 (http://www.democracyweb.org/new-map/).†

### *13.3.4 e-Governance Indicators*

The state of telecommunication infrastructure and e-governance promotes FOI since it directly influences the flow of information. Recently, Bangladesh has showed considerable progress in initiating e-governance in public sector management, although the UN e-Government Readiness Survey 2008 revealed that in terms of e-readiness, Bangladesh still stands as one of the poor performers in South Asian. According to this survey, Bangladesh was ranked 142 among 189 countries, with an index value of 0.2936 (UN 2008).

The International Telecommunication Union (ITU) has introduced the ITU ICT Development Index (IDI) to assess the level of progress of ICT in more than 150 countries globally and to compare progress made between 2002 and 2007 (ITU 2009, p. iii). Using these new indicators, ITU ranks Bangladesh 138 in its 2007 survey, with an IDI value of 1.26 (ITU 2009), one of the lowest of all the Southern Asian countries. ICT statistics for Bangladesh‡ are as follows:

- Proportion of households with a computer: 1.9 (2007)
- Proportion of households with Internet access: 1.3 (2007)
- Fixed-line telephones per 100 inhabitants: 0.84 (2008)
- Mobile phone subscribers per 100 inhabitants: 27.9 (2008)

* The supporters of the ruling party harassing the supporters of the opposition is quite common in Bangladesh.

† Rating 1 indicates the highest level of freedom, whereas rating 7 indicates the lowest level of freedom in a country.

‡ The access indicators are presented as the proportion of households with [equipment, Internet access]. Indicator values are calculated by dividing the number of in-scope households with [equipment, Internet access] by the total number of in-scope households (IGS, 2010).

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- Internet users per 100 inhabitants: 0.35 (2008)
- Domain names registered under .bd: 5,987 (December 2007)
- Broadband subscribers per 100 inhabitants: 0.03 (2008)
- Internet domestic bandwidth: No data available

*Source:* IGS (Institute of Governance Studies). (2010). *State of Governance Report 2010*. Dhaka: BRAC.

## 13.4 Implementation Status of RTI in Bangladesh

In assessing the state of FOI in the world, the impact of policies with regard to access, requests, and refusals have been considered as indicators. In this study, we have also investigated the state of access, requests, and refusals in the context of Bangladesh.

Despite some concerns, CSOs, academics, individuals, experts, and international development partners of Bangladesh have welcomed the RTI Act, 2009, and they see it as an opportunity to strengthen democracy and establish a transparent and participatory system of governance. Being implemented at various levels, it primarily involves initiatives led by the Information Commission, the government and its various agencies, and NGOs and CSOs. The following discussion takes into consideration these factors.

### *13.4.1 Initiatives of Information Commission*

The Information Commission was established on July 1, 2009, well within the time frame of 90 days from the enactment of the law. Two commissioners, one of whom was a woman and the Chief Commissioner, were appointed on July 4, 2009. From the onset, the commission held consultations on RTI with local level public officials and citizens in 25 districts. It drafted Rules on Requests, Appeal, and Costs (2009) notified by the government and the Regulations on Conservation and Management of Information (2009) (IC Annual Report 2009). The Information Commission has a list of assigned officers (up to upazila/subdistrict level) responsible for providing necessary information. Other activities include (1) training about 3,000 officers from different departments responsible for providing information on behalf of their office or department during 2010–2011 financial year; (2) incorporating issues relating to RTI in all national- and regional-level training manuals to mainstream RTI in the training process; (3) disseminating RTI-related information among different level stakeholders and making formal and informal collaboration with media houses, NGOs, and mobile operators; and (4) holding national-level seminars and stakeholder meetings at the district level (42 out of 64 districts) (IC Annual Report 2010). In 2010, a total of 25,390 requests for information were filed.* Among these, information was provided in 99.7 cases, whereas requests were rejected in only 0.3 percent cases (IC Annual Report 2010).

### *13.4.2 NGO Initiatives*

NGOs and CSOs have remained active with their advocacy and lobbying activities in favor of ensuring rights to information since the 1990s. As a result of joint initiatives provided by MJF and the RTI forum, a training manual entitled Tathya Adhikar (Rights to Information) has been developed. In addition to this manual, a Bangla handbook entitled Proshnottore *Tathya Adikar*

* Among 25,390 requests, 22,969 (80.29%) were made for information from the government offices, while 2,421 (9.61%) from NGOs (IC Annual Report, 2010).

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*Ain* (*RTI Act in Questions and Answers*) consisting of analysis of RTI in international standards and their application has been developed by an organization called Article 19* (A19). About 3,000 copies of this handbook have already been distributed among different departments and organizations. Besides publishing manuals and handbooks, these organizations (Nagorik Uddyog, MJF, A19, Management and Resources Development Initiative [MRDI], etc.) publish communication posters and leaflets to increase the general public's awareness of rights to information. One such example is the Manusher Jonno Information Sheet, 2009, published by MJF (Rahman 2011).

These organizations also organize orientations and training programs with their partner NGOs. MJF, and the Bangladesh Public Administration Training Centre (BPTAC)† jointly provide training to entry-level public officials at BPATC. A19 meanwhile offers training to district- and upazila (subdistrict)-level officials who are playing a significant role in mobilizing the stakeholders. A number of other NGOs, such as Mass-Line Media Centre (MMC)‡ and the Campaign for Popular Education§ (CAMPE), have been organizing RTI-related events (Manusher Jonno Information Sheet 2009). These campaigns conducted through rickshaw parades, school/college debates, posters, and leaflets have raised the awareness of thousands of people (half of whom are women and girls) (Article 19 Implementation Report 2009). Common people and particularly youth have been motivated by these campaigns. Level of awareness of the majority of young boys and girls where the debate competitions were held have increased to a large extent about issues relating to accountability and transparency of the school registration fees, government schemes on subsidised education materials, scholarships, and stipends (Rahman 2011).

## 13.5 Resources

### *13.5.1 Political Commitment*

Success of implementation of FOI policy depends to a large extent on the willingness of the political actors, since they can influence the process of determining responsibilities and authorities of the implementers of the RTI law during the policy-formulation phase. Before 2000, top leadership of Bangladesh remained reluctant about issues concerning FOI. For instance, in 1988, when Bangladesh received its first offer to link itself to the information superhighway, the then-military dictator H.M. Ershad refused, fearing that it would bring all secret information into light that would ultimately be a threat to his power. Again in 1994, the same offer was denied by the BNP government, with an argument that connecting with the information superhighway could render classified information vulnerable to hacking. Bangladesh finally connected with the information superhighway in 1996, when the AL government came into power (Hasan 2003). Since then, all political parties have started to accommodate the issue of RTI in their election campaigns. Although both leading political parties have shown their seriousness about RTI in their activities, only the AL articulated the RTI issue in the last election manifesto on December 29, 2009.

* An international NGO working since 1987 to promote freedom of information throughout the world (for more details, see www.article19.org.)
† BPATC is a government training institute that trains the civil servants of Bangladesh.
‡ Mass-Line Media Centre is an advocacy-oriented NGO in Bangladesh.
§ CAMPE is a Dhaka-based organization that works on education rights.

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### *13.5.2 Organizations and Institutions*

The Information Commission (IC) has been set in Bangladesh in accordance with the provision of RTI. All rules and regulations guiding RTI are implemented and overseen by the IC. As a matter of fact, the IC deals with educating people, influencing good practices through providing information and advice, resolving complaints received from those who think that their rights have been violated, and enforcing legal authorities against those who refuse to accept their obligations. IC also invites public comments on their published documents. In addition to IC, information cells have been set up in all ministries, divisions, departments, and the field-level, with dedicated government personnel responsible for running the cell (www.infocom.gov.bd).

### *13.5.3 Web Portal*

The Government of Bangladesh has introduced a national-level web portal where people can access all information about the government. To disseminate information among the people, all 64 districts have introduced their own web portal. IC on its Web site, to reduce hassles associated with the process of collecting information, the Information Commission has provided the names of all assigned officers, starting from the office of the president down to the upazila level, responsible for providing information to individuals upon request. However, it is unfortunate that 30 districts did not upload a copy of the RTI Act in their web portal (IC Annual Report 2010).

### *13.5.4 Innovations*

The Government of Bangladesh has inaugurated a dedicated Web site for providing copies of forms necessary for receiving government services. For instance, forms required for obtaining a machine-readable passport, birth and death registration, visa application, pension application form, income tax return, and so on, are now available on the government Web site (for more information, see http://www.forms.gov.bd/).

### *13.5.5 Community Radio*

Once implemented, the government's policy on community radio installation, broadcasting, and operation will promote the participation of poor people in the free flow of information at the rural level. The government's policy to switch over from analog to digital also envisages more efficient and timely flows of information in the education, health, and other sectors in accordance with the government's objective of transforming Bangladesh into a digitally enabled country by 2021. Planned initiatives include computer-aided connectivity to promote improved access to information at the district and upazila levels (Rahman 2011). It is important to mention here that the Government of Bangladesh approved 14 community radio stations on April 22, 2010, and 20 more are in the process of being approved (IC Annual Report 2010).

### *13.5.6 Union Information Centers*

Union information and service centers in each of the 4,501 Union Parishads (UPs, the lowest tier of existing local government structure) across the country have been set up to ensure availability of information and delivery of government services to all citizens. The UP-based information centers, equipped with computers and wirelesses Internet, will offer various online and offline services to people at a low charge (IGS 2010).

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### 13.5.7 Training and Education (Government to Citizen)

Promotional efforts of various types are under way. On January 16, 2010, Grameen Phone signed a memorandum of understanding (MoU) with the IC to disseminate public awareness messages under the RTI Act among its 70 million subscribers. Under this agreement, Grameen Phone disseminated about 801,333,922 SMS from December 26, 2010, to February 28, 2011. Robi, another mobile operator, sent out about 5,627,212 SMS from December 29, 2010 to December 30, 2010 (IC Annual Report 2010).

The BPATC in collaboration with MJF and the World Bank launched a 4-day pilot training program, Training Workshop for Designated Officers to provide professional information to government officials (Rahman 2011). Also, Change Management Program* of North South University, Managing at Top† (MATT)-2, and different regional public administration training centers offer training on RTI to government officials working at various levels. Finally, the Press Institute of Bangladesh has training programs at the district level for journalists where the RTI Act is a vital issue.

## 13.6 Improving Access and Transparency through FOI Laws

Existing literature shows that there is a strong correlation between transparency and FOI laws, and frequent dissemination of government economic information correlates with the quality of governance. Transparency is also associated with the prevention of corruption, balanced and equitable socioeconomic and human development indicators, and greater economic development (Bellver and Kaufmann 2005; Islam 2003). From this theoretical perspective, an effort has been made to investigate the relationship between implementation of the RTI Act and the reduction of corrupt practices. It is also important to mention here that it is too early to assess the impact of the RTI on the reduction of corrupt practices in Bangladesh as the act was promulgated only in 2008 and ratified in 2009. Table 13.3 shows the impact of the RTI on the reduction of corruption in Bangladesh.

**Table 13.3 Relationship between the RTI Act and Reducing Trends in Corruption**

| *Country* | *Year of Adoption of RTI Law* | *Scores in Corruption Perception Index (CPI) (on a scale of 0–10)* | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | *2003* | *2004* | *2005* | *2006* | *2007* | *2008* | *2009* | *2010* |
| Bangladesh | 2008 | 1.3 | 1.5 | 1.7 | 2.2 | 2.0 | 2.1 | 2.4 | 2.4 |

*Source:* Transparency International, Bangladesh CPI Reports, 2003–2010.

* The Department of General and Continuing Education (GCE) of North South University (NSU) has been conducting a training project entitled Change Management Training under UNDP's Civil Service Change Management Program in collaboration with the Ministry of Establishment of the Government of People's Republic of Bangladesh. This training program is specially aimed at preparing mid-level civil servants who will be responsible for implementing the change processes in service delivery and making pro-poor service delivery and providing knowledge-based leadership in civil service.

† The Public Administration Ministry of the Government of Bangladesh has designed a 7-year-long training program called Managing at Top (MATT-2) for preparing civil servants to adopt reforms.

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The data presented in Table 13.3 lead us to conclude that an increasing trend is observed in the anti-corruption drive in Bangladesh. Some analysts suggest that anti-corruption movements of different actors and the RTI Act have played an important role in reduction of corruption (Halim 2011a; Islam 2011). As a result of the commitment and the "Digital Bangladesh" slogan of the ruling government, people are getting more opportunities to access the necessary information than in the past.

### *13.6.1 Education Sector*

Education boards and universities presently publish different types of information through Web sites, television, radio, and newspapers. Even the results at the secondary and higher secondary levels are being published on the Internet and mobile phones. Under the Access to Information Project* (A2I project), the government has introduced e-content† for primary and secondary students.

### *13.6.2 Health Sector*

Bangladesh has created Internet connectivity across all health points down to upazila level (800 places). Moreover, the health ministry of Bangladesh has planned to establish a network among community clinics. Once installed, it will be the largest network in the country, even in the region. With installation of web cameras in community clinics, the Management Information System (MIS) of the health sector management of Bangladesh will be in a better position to avail benefits of videoconferencing and tele-medicine. MIS-Health has also provided connectivity in the Directorate General of Health Services (DGHS) and in the Ministry of Health and Family Welfare (MOHFW) through Wi-Fi networks (Retrieved from http://nasmis.dghs.gov.bd/dghs_new/dmdocuments/All/HIS%20and%20eHealth.pdf, on September 23, 2010).

### *13.6.3 Agriculture Land and Agriculture Sector*

The Ministry of Land has been undertaking a pilot project to scan records of all lands so that they are made accessible to the public in digital form. The Ministry of Agriculture is also trying to establish agriculture information centers in rural areas; 10 have already been set up (Rahman 2011).

## 13.7 Challenges of FOI in Bangladesh

### *13.7.1 Yellow Journalism and Ethics of Journalists*

Yellow journalism is a matter of great concern in Bangladesh. Stakeholders, including politicians, have started to raise their voices against it. Even the present information minister has expressed his views against yellow journalism by saying that "newspapers and television and radio channels that are making false and misleading news to tarnish the image of ministers, lawmakers, the government

* Access to Information (A2I) Program under the e-Government Cell, Prime Minister's Office of Bangladesh with technical assistance from United Nations Development Programme (UNDP), is working for ensuring the appropriateness of new initiatives and programs for ICT for development in accordance with national priorities.

† A2I's Web site, Ministry of Education, and Ministry of Mass Education are uploading textbooks as e-books.

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and the country are in fact doing yellow journalism" (*The Daily Star*, July 1, 2010). The Journalism Training and Research Initiative (JATRI), BRAC University, Bangladesh (2010) stated in its report that generally the standard of journalism in the country is not up to the mark and that ethical standards of journalism in Bangladesh are very poor. It is also noted that about 27% of journalists know their colleagues accept money from different sources. With a view to tackling yellow journalism, the present government is planning to introduce a new law (Alam 2011).

In Bangladesh, journalists become victims of harassment when they try to explore corruption and anomalies of the elite, including government ministers, members of parliament, local leaders, and party activists. A report revealed that 166 media professionals faced various forms of oppression, harassment, and physical assaults in 2008 (Alam 2011). Bangladesh Manobadhikar Sangbadik Forum (BMSF), a human rights press forum, found at least 89 incidents in 2006 where the journalists were victims of violent activities by the leaders and activists of the BNP-led four-party alliance. Moreover, at least 462 journalists were either attacked or harassed in 238 separate incidents in the same year (BMSF 2008). Odhikar (2011), another human rights organization in Bangladesh, reported that 20 journalists were injured, 20 threatened, and 10 assaulted, and 3 cases were filed against journalists from January to March 2011.

### *13.7.2 Mindset of the Bureaucrats*

Bureaucrats are the main actors for implementing RTI. Even after the enactment of the law, the process of openness in administration is inhibited by the noncooperation of the bureaucrats. In many countries, it has been found that despite the existence of law for years, FOI has not been ensured due to resistance from the bureaucracy. For instance, 13 years after the enactment of the Australian (1995) FOI Act, the Australian Law Commission found that the act had failed to attain universal acceptability among the bureaucracy as an integral part of democratic consolidation. Like Australia, the Canadian government through amendments to the access law penalized bureaucrats who were held responsible for destroying, mutilating, falsifying, altering, and concealing records (CHRI 2008).

Like other countries, bureaucracy in Bangladesh is not an exception. Maintaining secrecy is one of the dominant features of public administration in Bangladesh, and it allows them to be opaque in their activities and to indulge in corrupt practices (Haque 1997). Experts in different forums say that change in the mindset of bureaucrats is one of the prerequisites for successful implementation of the much-awaited RTI Act. This culture is the legacy of the British and Pakistan colonial administration. During the colonial administration, bureaucrats were taught to hide facts and information to keep citizens in the dark.

### *13.7.3 Problems with the RTI Act*

A major obstacle to the effective implementation of the RTI Act in Bangladesh is the provision of exemption from disclosure of information in the name of sovereignty, national security, and so on. Section 7 (a) of the RTI Act states that "this involves any such information that may, if disclosed, cause a threat to the security, integrity and sovereignty of Bangladesh" (p. 742). Twenty categories of information have been specified as not to be disclosed by the authorities. However, these clauses have not been clearly specified. Again, Section 32 (1) came up with the imposition of restrictions, mentioning that eight intelligence agencies and security organizations, including the police, are not compelled to disclose any information except corruption and human rights violations (RTI 2009). But issues such as corruption and human rights

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violations have not been specified in the main act. These flaws have created enough scope for misappropriation of the act.

### *13.7.4 Conflicts with Other Laws*

Other controversial laws such as Official Secrets Act* 1923 and the Special Power Act† 1974 are creating hindrances to ensuring rights to information of all. It is really unfortunate to state that the RTI Act does not have any explanation regarding interrelationship of the RTI with other aforementioned acts. Thus, there is a possibility that corrupt officials would apply those laws negatively for harassing people seeking information from government departments.

Article 39(2) of RTI states that enjoyment of these rights is subject to "reasonable restrictions" in the interests of "the security of the state, friendly relations with foreign states, public order, decency and morality in relation to contempt of court, defamation or incitement to an offence" (RTI 2009). Numerous acts inhibit these freedoms, most notorious being the Special Powers Act (SPA) of 1974. The SPA made it an offense, punishable by five years' imprisonment and/or fine, "to print, publish or distribute prejudicial reports." Section 99A of the Code of Criminal Procedure Act states that any printed matter defamatory of the country's president or the prime minister is an offense punishable by imprisonment for 2 to 7 years. Thus, all publications are subjected to the Printing Presses and Publication Act (PPPA) of 1973, which has imposed some obligation to seek permission, declaration, and registration from the government, including censorship in collection and dissemination of information.

### *13.7.5 Jurisdiction of RTI Act*

RTI law covers the upazila (subdistrict) level, but does not extend up to the village level, the bottom unit of local administration. However, there is a provision of the RTI Act in the Local Government (Union Parishad) Act, 2009. Using this provision, people can get information about activities of the Union Parishad, but other organizations will remain outside its jurisdiction. Innumerable development projects and programs of the government or NGOs are carried out in rural areas. Local people can hardly receive any sort of information relating to their concern. Only a few of them can bargain for information with the government officials at the sub-district level.

## 13.8 Benefits of the RTI Act, 2009: Selected Case Studies

### *13.8.1 Case 1: Improving Transparency in Public Procurement in Bangladesh*

Enactment of the Public Procurement Act (PPA) in 2006 and the issue of Public Procurement Rules (PPR) in 2008 have provided a uniform legal framework, including procurement systems within the public sector, the procedure and criteria, and the roles and responsibilities of procurement

* An act to consolidate and amend the law relating to official secrets and prevent civil servants from disclosing government information.

† For preventing certain prejudicial activities and to ensure speedy trial and effective punishment of certain grave offenses, the Government of Bangladesh enacted the Special Powers Act, 1974. (Retrieved from http://bdlaws.minlaw.gov.bd/pdf_part.php?id=462).

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officials and entities. Though the Government of Bangladesh has enacted these acts, little progress has been shown in improving governance in public procurement since it is very difficult to monitor implementation of procurement rules and the processes under the jurisdiction of these laws. Global experiences have identified the growing need to make information open to oversee the public procurement system. In this backdrop, the Government of Bangladesh enacted the RTI Act, 2009, and the Public Interest Related Information Disclosure (Protection) Act, 2010. These laws have opened up avenues for citizens to know more about activities of the government. These laws also act as safeguard to the informers within and outside the system who report acts of corruption and discretionary abuses. Before the information-related act, procurement-related information was reported by related authorities. Using these acts, stakeholders, including civil society and activists, demand information and provide feedback to the authorities and media and promote various issues that ultimately widen the transparency of the public procurement process (Islam 2011).

### 13.8.2 Case 2: Identification of Stock Exchange Corruption

In December 2006, the share market observed a swindle in Bangladesh. Afterward, an evaluation committee was formed by the government to find anomalies in the stock exchange. The committee found that 100 "powerful" people were involved in the stock market manipulation. The committee accused some institutions, companies, and individuals for their involvement in the scam. The stakeholders became more puzzled when the scam was exposed in the media without revealing the names of the manipulators. Many social activists and eminent personalities have voiced their opinion in favor of application of RTI to get access to the report. This will ensure transparency and give an understanding about how corruption in the share market took place (Halim 2011).

### 13.8.3 Case 3: Demand of BELA for Information on Approval of BGMEA Bhaban Plan

On July 8, 2009, the Bangladesh Environmental Lawyers Association (BELA) sent a request to the chairman of RAJUK (the capital development authority) to provide a detailed report relating to the construction of Bangladesh Garment Manufacturers and Exporters Association (BGMEA) Bhaban* over the Begunbari† canal in the commercial zone of Karwan Bazar‡ beside the Pan Pacific Sonargaon hotel under the RTI Act 2009. Emphasizing the importance of ecological balance, the letter stated that unplanned urbanization and illegal infrastructure on wetlands is destroying the city's environment and thereby endangering the ecology. It is alleged that the connecting road to BGMEA Bhaban had been constructed over the Begunbari canal, creating a hindrance to the natural flow of water. BELA requested a detailed report regarding the construction and design of BGMEA Bhaban within 20 days as prescribed under Section 9 of the RTI Act, 2009. After receiving the information from the RAJUK, BELA filed a case under public interest litigation at the supreme court of Bangladesh.

The high court ruled that BGMEA did not own the land on which the building was constructed. The BGMEA building was ordered to be bulldozed due to this noncompliance with the law. Concerned authorities were given time to shift the building to another location (WBI 2011).

* Multistoried building.
† Name of a canal.
‡ Name of a place in Dhaka City.

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### *13.8.4 Case Study 4: How the RTI Act Helps Women*

Shamima Akter, 18, is a college student of Vimkhali Union Parishad* under Jamalganj Upazila (subdistrict) of Sunamganj district. Shamima and her friends participated in a training session on RTI where they received basic information on their rights and those of their community members. After completion of the training, she found that some extremely poor women from her village were excluded from the lists of the 2011–2012 Vulnerable Group Development (VGD)† program prepared by the Upazila Administration. She, along with her fellow group members, used the RTI training experience to fight against this exclusion. Shamima and her group submitted an application under the provision of RTI. Once the application was submitted to the Union Parishad‡ Chairman on January 10, 2011, the concerned authorities considered the issue seriously but responded vaguely. Instead of providing written information, they responded verbally to Shamima on January 25, 2011. When the issue came to the notice of the Upazilla Nirbahi Officer (UNO), he formed a small investigation committee to evaluate the list. Based on its findings, the UNO removed a few names from the list and included the names of the four aforementioned women in the list. On February 23, 2011, Shamima finally got the revised list from the Union Parishad, and the four women were included (WBI 2011).§

### *13.8.5 Case Study 5: Use of RTI to Provide Financial Assistance to Poor Students*

In a workshop organized by MMC under the project Ensuring Access to Information for better Livelihood at Sherpur Upazila Parishad, Sherpur District, Joyanti Prava Devi, Upazila Primary Education Officer, informed participants about financial assistance from the District Council fund for meritorious students who could not afford to appear for the Secondary School Certificate (SSC) examination. She also talked about the process of applying for assistance from the District Council fund. Ibrahim Hossain, one of the participants, informed his daughter Rina Parvin, a student of Chakshadhi Higher Secondary School, about the aforementioned financial assistance to poor students.

She applied to the District Council with all supporting documents (her progress report and her father's income certificate). After a few days, the District Council allocated BDTK¶ 1,000 for Rina's SSC examination. Before the workshop, the common populace was not aware of the education aid from the District Council. This simple information helped Rina Parvin to study further (retrieved from http://mass-line.org/casestudy/continueeducation).

### *13.8.6 Case Study 6: The RTI Act and Land Records*

One of the landless organizations in Ramgati Upazila in Laxmipur District decided to seek information regarding the khas** land available in each mouza†† through application of the RTI Act.

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* Vimkhali Union Parishad is the name of a Union Parishad.

† The VGD and 40-day programs are both safety net programs run by the Government of Bangladesh. Their aim is to help the poor during periods of crisis.

‡ Lowest tier of rural local government bodies in Bangladesh.

§ http://wbi.worldbank.org/wbi/stories/access-information-helping-citizens-bangladesh-exercise-their-rights.

¶ The currency of Bangladesh.

** Government.

†† In Bangladesh, a *mouza* is a type of administrative district corresponding to a specific land area within which there may be one or more settlements. *Mouza* is synonymous to village.

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They wanted to get a baseline on the amount of khas land available in the area, including land-distributed records. After receiving training from Nijera Kori* on the RTI Act, Riaz, a member of the organization, submitted a written RTI request to the assistant land officer of the Alexander Union land office on September 23, 2010, on behalf of the organizations. The Assistant Land Officer expressed his inability to provide information and suggested they apply to the Upazila Land Office.

The issue was discussed in a meeting of the landless organizations on November 13, and they decided to apply to the upazila level. On November 24, more than 100 landless committee members demanded information from the Upazila Land Office. They also criticized the inability of the Union Land Office to provide the required information. The assistant commissioner (Land) suggested they apply formally to the Upazila Land Office and assured them that the information would be provided with the time limit as specified by the act. Later on, Siddiqur Rahman, another member of the landless organizations' committee, submitted a request for information to the Ramgoti Upazila Land Office and received the information related to *khas* land of 31 mouzas on December 15, 2010. This information helped the landless organizations' members decide their future (WBI 2011).

## 13.9 Discussions and Conclusion

This chapter leads us to conclude that the Government of Bangladesh enacted the RTI Act of 2009 to ensure people's FOI. Although there was demand for such an act for a long time, the act got its final shape as a result of consistent advocacy by NGOs, CSOs, and political will. Unlike the RTI Act, CSOs have been recognized as vibrant policy actors in other policy processes in Bangladesh (Panday 2008, 2009; Rabbani 2009, 2011).† Through analysis of different indicators, such as media rights, political rights, and civil liberties, and verification of different international and regional data, it can be asserted that political rights and FOI are closely related. In Bangladesh, the media works in a partially free environment where the government tries to control their operation. People have low trust in the media due to a lack of professionalism in the media houses. Thus, ensuring FOI will be a dream without ensuring freedom of media. The same situation prevails in Zimbabwe, where the free flow of information is restricted due to lack of media freedom (Ojo 2010).

There is a correlation between political rights and FOI. The subcontinent of India is a good example where greater political rights ensure a higher degree of FOI. In Bangladesh, the confrontational nature of the political culture creates a hindrance to ensuring FOI. Experience shows that autocratic rulers imposed restrictions on the expression of views, while a democratic government is more prone to allowing freedom of expression. Thus, it can be argued that ensuring people's rights to information is very difficult without ensuring an enabling political culture. The existence of widespread corruption is another important indicator that has necessitated the emergence of the RTI Act in Bangladesh.

* A Dhaka-based NGO in Bangladesh.

† Vibrancy and the quality of networks between individuals, groups, institutions, and organizations, and social capital are the dominant features of a healthy civil society that helps to promote peoples' right to information (Wilson and Warnock, 2007). In the case of civil liberties, Bangladeshis are enjoying a great extent of freedom to make any kind of association. A good number of CSOs are working in Bangladesh to ensure the right of the common people. During the time of agenda setting and drafting of the RTI Act, CSOs in Bangladesh have played a significant role. But, recently analysts have argued that CSOs are very reluctant to disclose information about their advocacy activities.

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Despite the fact that the present government has taken some initiative to translate its "digital Bangladesh" slogan from policy to practice, there are still major gaps in e-governance preparedness in Bangladesh. e-Governance is not up to the mark, as it is still below the regional standard. Furthermore, the digital divide between rural and urban, rich and poor, and common people and disadvantaged people is typical of Bangladesh. The e-government situation cannot foster the free flow of information.

As a result of some policy-level initiatives by government and NGOs, common people are getting access to different information relating to nation-building departments. Furthermore, many observers state that the extent of transparency and accountability have been increased as a result of enactment of the RTI. FOI acts have been able to influence the level of transparency and accountability in other countries.

Based on the above discussion, it can be concluded that Bangladesh has achieved remarkable progress in terms of policy formulation and commitment. The constitution of Bangladesh is itself a guarantor of freedom of expression and FOI. Though freedom of information has been guaranteed by the constitution and laws, the reality on the ground is not yet ready to ensure the right of information to all. Compared to other countries, Bangladesh is not up to the mark in terms of political indicators, cultural indicators, and e-governance indicators.* Despite having some drawbacks, it can be asserted that people of Bangladesh have started to get more information about all activities of the government and other organizations as a result of enactment of the RTI Act. However, this is not good enough to claim the existence of free flow and easy access to all sorts of information. Finally, to ensure the people's right to FOI, a holistic approach will have to pay special attention to political, economic, and cultural indicators.

## References

Alam G.M.S. (2011). Contemplating media freedom, *Forum* (A monthly publication of *The Daily Star*), Volume 5, Issue 5, May 2011, Available online at http://www.thedailystar.net/forum/2011/May/freedom.htm, accessed on May 18, 2011.

Anam, M. (2009a). Democracy, media and human rights in Bangladesh. In *Media & Human Rights in Asia*. Singapore: AMIC Publication, pp. 23–30.

Anam, S. (2009b). Ensuring implementation of RTI following pro-poor approach: Role and potential of media. Keynote paper for the Advocacy Workshop, May 30, 2009. Available online at http://www.mrdibd.org/downloads/Keynote_RTI.pdf, accessed on August 2, 2011.

Arko-Cobbah, A. (2003). The right of access to information: Opportunities and challenges for civil society and good governance in South Africa. *IFLA Journal*, 34(2), 180–191.

ARTICLE 19, CPA, CHRI, HRCP. (2001). Global trends on the right to information: A survey of South Asia, Article 19. Centre For Policy Alternatives, Commonwealth Human Rights Initiative, Human Rights Commission of Pakistan. Available online at http://www.article19.org/data/files/pdfs/publications/south-asia-foi-survey.pdf.

Australian Law Reform Commission. (1995). Open government: A review of the federal Freedom of Information Act 1982, ALRC 77, para. 4.13. Available online at http://www.austlii.edu.au/au/other/alrc/publications/reports/77/4.html.

Bellver, A., & Kaufmann, D. (2005). *Transparenting Transparency: Initial Empirics and Policy Applications*, World Bank Policy Research Working Paper, Washington DC, 2003.

Berliner, D. (2011). The political origins of transparency. Annual Meeting of the American Political Science Association, Seattle, WA, September 1–4.

* For more details, see www.freedomhouse.org and www.itu.int/en/.

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Besley, T., & Burgess, R. (2001). Political agency, government responsiveness and the role of the media. *European Economic Review*, 45(4–6), 629–640.

Blanton, T. (2002). The world's right to know. *Foreign Policy*, *131*, 50–58.

BMSF. (2008). Press freedom in Bangladesh, 2006–2007: A state of emergency for journalists. Available online at http://bmsf-bd.org/Press_Freedom_0607.pdf.

Chowdhury, R.T., & Mazumder, H.M. (2004). *The Political Economy of Corruption: Bangladesh in Perspective*. Dhaka: Hakkani Publishers.

CHRI (Commonwealth Human Rights Initiatives). (2008). Implementing access to information: A practical guide for operationalising access to information laws. Available online at http://www.humanrightsinitiative.org/publications/rti/implementing_ati.pdf.

Cook, T.E. (2005). The functions of the press in a democracy. In G. Overholser & K. Hall Jamieson (Eds.), *The Press*. Oxford: Oxford University Press, pp. 115–119.

*The Daily Star*. (2010). Law soon to stop yellow journalism (July 1).

*The Daily Star*. (2011). PM asks info commission to work sincerely (August 6).

Daruwala, M., & Nayak, V. (2007). Our rights our information: Empowering people to demand rights through knowledge. *Commonwealth Human Rights Initiative*. Available online at http://www.humanrightsinitiative.org/publications/rti/our_rights_our_information.pdf.

Daruwala, M., Nayak, V., Paul, S., Mitra, R., & Mitra, M. (2008). *Supplementary Recommendations for Strengthening the Draft Right to Information Ordinance 2008*. New Delhi: Commonwealth Human Rights Initiative.

Florini, A.M. (1999). Does the invisible hand need a transparent glove? The politics of transparency. Paper presented at the Annual World Bank Conference on Development Economics, Washington, DC.

Gans, H.J. (2003). *Democracy and the News*. Oxford: Oxford University Press.

Gill, J., & Hughes, S. (2005). Bureaucratic compliance with Mexico's new access to information law. *Critical Studies in Media Communication*, *22*(2), 121–137.

Grigorescu, A. (2003). Freedom of information laws: Lessons from eastern and central Europe. *Problems of Post-Communism*, *50*(2), 34–43.

Halim, S. (2011). *Right to Information in Establishing Transparency and Fighting Corruption in Society*. Dhaka: Bangladesh Social and Economic Forum.

Halim, S. (2011a). Right to information as a tool to fight corruption in Bangladesh. *New Age*. July 5, 2011.

Halstuk, M.E. (2008). When secrecy trumps transparency: Why the Open Government Act of 2007 falls short. Available online at http://commlaw.cua.edu/res/docs/8_Halstuk_AMENDED.pdf, accessed on June 20, 2011.

Haque, M.S. (1997). Incongruity between bureaucracy and society in developing nations: A critique. *Peace and Change*, *22*(4), 432–462.

Hasan, S. (2003). Introducing e-government in Bangladesh: Problems and prospects. *International Social Science Review*, 78, 1–7.

Hoque, A.N.M.G. (1992). *Mass Media Laws and Regulations in Bangladesh*. Singapore: AMIC Publications.

IC Annual Report. (2009). Information Commission. Dhaka, Bangladesh.

IC Annual Report. (2010). Information Commission. Dhaka, Bangladesh.

Iftekharuzzaman, M. (2009). Implementing right to information in Bangladesh: Opportunities and challenges. Keynote paper presented at the International Conference on RTI Implementation: Law, Institutions and Citizens organized by the RTI Forum, Dhaka, June 21–22, 2009.

Implementation Report. (2009). Annual Report 2008. Available online at http://www.article19.org/data/files/annual_reports_and_accounts/2008-annual-report.pdf.

IGS (Institute of Governance Studies). (2010). *Sate of Governance Report 2010*. Dhaka: BRAC.

Islam, M.S. (2011). Improving transparency in public procurement in Bangladesh: Use of right to information and whistleblowers' protection laws at subnational levels. Paper presented at the First Global Conference on Transparency Research held on May 18–20, 2011, at the School of Public Affairs and Administration, Rutgers University, Newark, New Jersey. Available online at http://spaa.newark.rutgers.edu/images/stories/documents/Transparency_Research_Conference/Papers/Islam_Muhammad_Sirajul.pdf, accessed on August 23, 2011.

© 2010 Taylor & Francis Group, LLC

Islam, N. (2007). Reflections on democracy and development in Bangladesh. In S.S. Andaleeb (ed.), *Political Culture in Bangladesh: Perspectives and Analyses*. Dhaka: UPL, pp. 1–8.

Islam, R. (2003). *Do More Transparent Governments Govern Better*? World Bank Policy Research Working Paper No. 3077. Washington, DC: World Bank.

Islam, R. (2006). Does more transparency go along with better governance? *Economics & Politics*, *18*(2), 121–167.

ITU. (2009). *Measuring the Information Society: The ICT Development Index*. Geneva: International Telecommunication Union. Available online at http://www.itu.int/net/pressoffice/backgrounders/general/pdf/5.pdf.

Khan, Z.R. (2007). Sovereignty, national interests and the challenges of democratization in Bangladesh. In S.S. Andaleeb (ed.), *Political Culture in Bangladesh: Perspectives and Analyses*. Dhaka: UPL, pp. 11–30.

Laskar, S.I. (2005). Corruption in police department: Issues and policy recommendations. Paper presented at the seminar Corruption: Nature, Consequences and Remedies organized by the Anti-Corruption Commission, Dhaka, May 20, 2005.

Lor, P.J., & Britz, J.J. (2007). Is a knowledge society possible without freedom of access to information? *Journal of Information Science*, *33*(4), 387–397.

Manusher Jonno Information Sheet. (2009). Dhaka: Manusher Jonno Foundation (MJF).

McClean, T. (2011). Institutions and transparency: Where does freedom of information work best? Paper presented at the 1st Global Conference on Transparency Research, Rutgers University, Newark, New Jersey, May 19–20, 2011.

Mendel, T. (2009). *The Right to Information in Latin America: A Comparative Legal Survey*. United Nations Educational, Scientific and Cultural Organization, Quito, Peru.

Michener, G. (2011). Towards an agenda-setting theory of freedom of information reform: The case of Latin America. Paper prepared for the 1st Global Conference on Transparency Research, Rutgers University, Newark, New Jersey, May 19–20.

Odhikar. (2011). Human Rights Monitoring Report: January 1–March 31, 2011. Available online at http://www.odhikar.org/documents/2011/English/Jan-Mar_2011_English_HR_Report.pdf.

Ojo, E. (2010). Freedom of information: Current status, challenges and implications for news media. Available online at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/pdf/wpfd2010_backgroung_World+Press+Freedom+Day+2010+Presentation+-+EO.pdf.

Open Society Justice Initiative. (2006). *Transparency and Silence: A Survey of Access to Information Laws and Practices in Fourteen Countries*. New York: Open Society Justice Initiative. Available online at http://www.opensocietyfoundations.org/publications/transparency-and-silence-survey-access-information-laws-and-practices-14-countries.

Panday, P.K. (2009). Women's political participation in Bangladesh: Institutional reforms, actors and outcomes. Unpublished PhD dissertation, Department of Public and Social Administration, City University of Hong Kong, Hong Kong.

Panday, P.K. (2008). Participation without representation: Quotas for women in Bangladesh. *International Political Science Review*, *29*(4), 489–512.

Peksen, D. (2010). Coercive diplomacy and press freedom: An empirical assessment of the impact of economic sanctions on media openness. *International Political Science Review*, *31*(4), 449–469.

Rabbani, G. (2009). Non-governmental actors are coming forward as policy actors: Example from operational framework for pre-primary education. *Society and Change*, *III*(2), 7–20.

Rabbani, G. (2011). *Policy Dynamics in Developing Context: Agenda Setting in Health Policy of Bangladesh*. Germany: VDM Verlag.

Rahman, S. (2007). Towards institution building in Bangladesh: Trends in democracy and human rights. In S.S. Andaleeb (ed.), *Political Culture in Bangladesh: Perspectives and Analyses*. Dhaka: UPL, pp. 149–184.

Rahman, T. (2011). RTI implementation in Bangladesh: Taking it to the next phase. In IIPA. *Transparent Governance in South Asia*. New Delhi: Indian Institute of Public Administration, pp. 11–34.

Relly, J.E., & Cuillier, D. (2010). A comparison of political, cultural, and economic indicators of access to information in Arab and non-Arab states. *Government Information Quarterly*, 27, 360–370.

Richter, A. (2008). Post-Soviet perspective on censorship and freedom of the media: An overview. *International Communication Gazette, 70*(5), 307–324.

© 2010 Taylor & Francis Group, LLC

Rights to Information Act. (2009). Dhaka: Government of Bangladesh.
Roberts, A. (2004). A partial revolution: The diplomatic ethos and transparency in intergovernmental organizations. *Public Administration Review*, *64*(4), 410–424.
Salam, S.A. (1997). *Mass Media in Bangladesh: Newspaper, Radio and Television*. Dhaka: South Asian News Agency.
Shen, C., & Williamson, J.B. (2005). Corruption, democracy, economic freedom and state strength. *International Journal of Comparative Sociology*, *46*(4): 327–345.
Transparency International, Bangladesh, CPI Reports, 2003–2010, Dhaka.
UN. (2008). *United Nations e-Government Survey 2008: From e-Government to Connected Governance*. New York: United Nations. Available online at http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028607.pdf.
World Bank Institute. (2011). The power of using Right to Information Act in Bangladesh: Experience from the ground. Available online at http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Final%20version%20%20The%20Benefits%20of%20Using%20the%20RTI%20Act%20in%20Bangladesh.pdf.
Wilson, M., & Warnock, K. (2007). *At the Heart of Change: The Role of Communication in Sustainable Development*. London: Panos London.
World Bank. (2000). *Corruption in Bangladesh: Cost and Curses*. World Bank: Washington, DC.
Xiao, W. (2011). Freedom of information reform in China: Information flow analysis. Social Science Research Network. Available online at http://ssrn.com/abstract=1944808.
Zakiuddin, A. (2000). Corruption in Bangladesh: An analytical and sociological study. Available online at www.ti-bangladesh.org/olddocs/research/CorBang1.htm.

## Web Sites

http://bdlaws.minlaw.gov.bd/pdf_part.php?id=462
http://mass-line.org/casestudy/continueeducation
http://nasmis.dghs.gov.bd/dghs_new/dmdocuments/All/HIS%20and%20eHealth.pdf
http://www.democracyweb.org/new-map/
http://www.forms.gov.bd/
http://www.freedomhouse.org/template.cfm?page=1
http://www.freedomhouse.org/template.cfm?page=16
http://www.humanrightsinitiative.org/programs/ai/rti/international/laws_&_papers.htm#4
http://www.manusher.org/rti_conference/RTI_Forum_Members_Name_and_Address.pdf
http://www.ngoab.gov.bd/Files/NGO_LIST.pdf

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# *Chapter 14*

# Administrative Reforms in Bangladesh

Nazmul Ahsan Kalimullah, A.K.M. Reazul Hassan, and Mohammad Golam Kebria Sarkar

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## 14.1 Introduction

Administrative reform is the administrative reorganization of the state institution that aims at rationalization of the administrative machinery, which improves the quality and capacity of civil service. While Caiden (1969, p. 65) defines administrative reform as "an artificial inducement of administrative transformation against resistance," Quah (1976) defines administrative reform as the changes that are to be brought about in an organization encompassing both its institutional aspect (structure and procedures of public bureaucracy) and attitudinal aspect (the attitudes and behavior of the public bureaucrats involved). It is meant to encourage an effective administration capable of bringing about economic, political, and social development to enhance and increase the quality of public services and deliver such goods and services to citizens more economically, efficiently, and effectively. So, in the context of national development, attempts to evaluate administrative reform programs in a large number of developing countries are considered as "a conscious and deliberate attempt to improve bureaucracy to attain national development goals" (Shah and Yusoff, undated).

Bangladesh has been facing similar problems of development as all new nations in the world, since it emerged as an independent state in 1971 and different governments attempted to reorganize and restructure the administrative system to suit the needs of their respective policy declarations because of lack of political commitment, limited capacity of government, bureaucratic resistance, factionalism in the public sector, ineffective basic public management processes, and unlimited corruption. However, most of the attempts have largely failed to make the administrative system responsive, transparent, and efficient. To streamline an age-old and anachronistic administrative structure that was totally unsuitable to meet the rising expectations of the people, the government appointed several major administrative reform commissions/committees over the years. Studies of its administrative systems have been carried by the US Agency for International Development (USAID), the United Nations Development Program (UNDP), the World Bank, and British ODA (CPD 1994). This paper discusses the structure of public administration and major administrative reform efforts in Bangladesh. Further, it analyzes achievements and failures of administrative reforms in Bangladesh and also discusses barriers to administrative reform. Finally, the paper puts down some recommendations to overcome these barriers.

## 14.2 Structure of Public Administration in Bangladesh

Bangladesh was under British rule until 1947 as part of united India, and it was part of Pakistan until 1971; the current administrative system in Bangladesh has evolved over a long period of time. Bangladesh emerged as an independent nation in 1971 and adopted a parliamentary form

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of government, with the prime minister as the head of the government and the president as the head of the state. After a long period of military and quasi-military regimes from August 1975 to November 1991, Bangladesh went back to a parliamentary form of government through a constitutional amendment in 1991 (Sarker 1991). It has a two-tier administrative system. All ministries and divisions are housed in the central secretariat entrusted with policy and clearinghouse functions. Government organizations representing the central ministries, divisions, and departments at the division, district, and thana/upazila level (subdistricts) discharge general administrative, service delivery, and development project implementation functions (Figure 14.1).

The minister is the political head of a ministry and is assisted by the secretary, who is the administrative head. The secretary is assisted by the additional secretary, joint secretary, deputy secretary, senior assistant secretary, and assistant secretary. The internal organization structure of a ministry is hierarchical. The secretary or additional secretary conducts and looks after the duties of a division, which includes routine operation, supervision of its staffing, and organizational processes. They also advise the minister regarding policy and administrative issues. A division can further be divided into wings that are headed by joint secretaries who have the power to directly submit cases to the minister. However, such cases are first submitted to the secretary/additional secretary for his/her consideration before being placed before the minister. A wing is composed of branches that are headed by deputy secretaries. A joint secretary, as the head of a wing, supervises the activities of the branches within his/her wing. Below the branch are the sections that are headed by assistant secretaries. Government branch is the basic working unit of a division

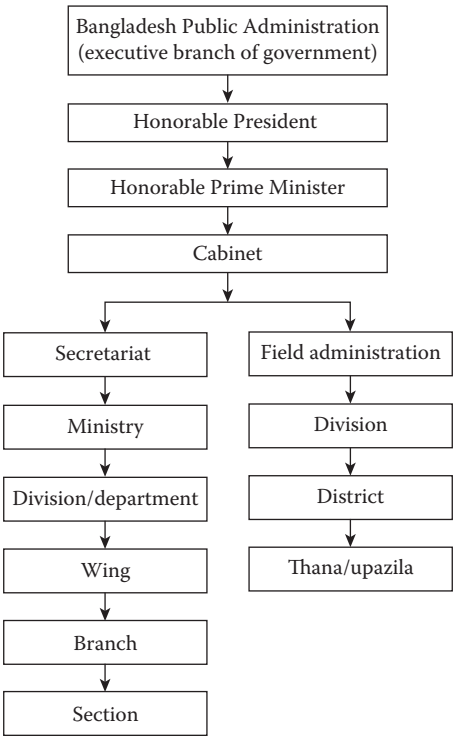


**Figure 14.1 Structure of Bangladesh public administration.**

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where assistant secretaries dispose all cases based on clear precedents. There are a considerable number of office personnel below the level of assistant secretary (Zafarullah 1998, pp. 83–87). However, departments that determine the blueprint for implementing various decisions taken by the ministry/division by providing technical information and advice are also attached to each ministry/division (Ahmed 2002, p. 329). There are also a number of autonomous bodies, semi-autonomous bodies, and corporations known as statutory organizations that have been established under special presidential orders, ordinances, and acts.

The Bangladesh public sector currently has about one million people, of which about 700,000 are employed in ministries and various government departments, and about 300,000 are employed in public enterprises (Kim and Monem 2008). The former are referred to as being in the civil service. The civil service carries out all the activities of the ministries, divisions, departments, and their affiliated organizations at the divisional level, which is headed by a divisional commissioner; at the district level, which is headed by a deputy commissioner; and at the thana level, which is coordinated by the Upazila Nirbahi Officer (UNO, subdistrict executive officer when translated to English). There are four classes of civil servants who are classified vertically on the basis of the level of responsibility. About 40,000 are professionals or officers (so-called Class 1 officials) who staff 41 ministries, 15 administrative divisions, and the offices of the president and the prime minister. The higher civil services have been organized around 28 cadres. Members of these 28 cadres, linked to different ministries, start their careers through open competitive examinations conducted by the Public Service Commission (Ahmed 2002).

## 14.3 Early Administrative Reforms in Bangladesh (1971–1996)

### *14.3.1 Restoration of Civil Administration by CARC*

To face the challenge of being a newly independent country, the government formed the Civil Administration Restoration Committee (CARC) in 1971 to examine and suggest ways for restoration of civil administration. In 1972, CARC submitted its report detailing examination of the various issues relating to administration to be considered by another committee appointed by the prime minister. The provincial secretariat was transformed into the national secretariat with 20 ministries and related directorates/departments and corporations according to the recommendations of CARC (GoB 1973a).

### *14.3.2 Reorganization of Bangladesh Public Administration by ASRC*

The Administrative and Service Reorganization Committee (ASRC) and the National Pay Commission (NPC) are the two major administrative reform committees of the first parliamentary government of Bangladesh. A single classless grading structure covering all services in the 10 grades; appropriate number of pay levels mapped to level of skills and responsibilities; correct grading for each post done by an analysis of the job; and so on were the key recommendations of ASRC. Main themes in the recommendations of ASRC are the abolition of the elite cadre, no reservation of any post for any cadre, and the democratization of administration at all levels. ASRC proposed that the thana (the administrative units under the confines of a police station) be the basic unit of administration in Bangladesh and that the thana assume all responsibilities of development administration at that level. Unfortunately, the recommendations of

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the ASRC made no impact on the government and remained shelved as classified documents (GoB 1973b).

### *14.3.3 Reforming National Pay Structure by NPC-I*

The NPC-I worked closely with ASRC and dealt with a number of variables, such as living cost; governmental resources; existing pay disparities; attraction and retention of specialists; and the achievement of efficiency, equity, and work incentives to formulate a pragmatic pay policy. It proposed that a nine-tier administrative structure with corresponding pay scales could adequately meet the requirements of the bureaucracy in Bangladesh for the next 5 years. However, the NPC's suggestion was not accepted, and it was obliged to suggest pay scales on the basis of tiers and groupings suggested by ASRC. The NPC-I also recommended a national pay scale consisting of 10 grades, and it was partially implemented later (GoB 1973b).

### *14.3.4 Reforming Civil Service by P&SC*

The Pay and Service Commission (P&SC) was appointed in 1976 to conduct a fresh inquiry into the services and pay structure and to suggest necessary reforms. The commission came up with the idea that by bringing a fundamental change in the staffing positions and providing a uniform pattern of pay scales and promotions, the ingrained generalist-versus-specialist controversy could be resolved. It also suggested that a large generalist cadre not be created by reservation of many posts and on the basis of a single examination. The then-government implemented some of the recommendations of P&SC in a modified form resulting in the creation of 28 cadres of the Bangladesh Civil Service (BCS), constitution of the Senior Services Pool (SSP), and the introduction of new national grades and pay scales 2 years later. However, there was improper application of procedure in the induction of SSP members at the implementation stage. The SSP was abolished in 1989 because of its failure in providing adequate promotion opportunities to different cadre officials in the top positions (Ahmed 2002).

The Ministry of Finance introduced 21 grades and scales of pay for public-sector employees by Services Order (grade, pay, and allowances) issued in 1977. However, the government ultimately modified the pay structure partially at the implementation stage to remove the discontentment of certain officials (particularly at the district level) and raised their salaries to a satisfactory level; grade VI was merged with grade VII (GoB 1977).

### *14.3.5 Reforming the Structure of Administration by MLC*

The Martial Law Committee (MLC) suggested drastic measures to quicken the decision-making process in the secretariat. The key recommendations of MLC were as follows:

- Reduction in the number of ministries/divisions and civil servants, particularly at lower levels
- Scaling down in the layers of decision making at the secretarial level
- Restructuring the role of the secretariat and other executive organizations
- Formalization and regularization of the recruitment process
- Delegation of financial and administrative powers down the hierarchy

The recommendations of the MLC were accepted by the then-military government (Ali 2007).

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### 14.3.6 Enhancing Decentralization by CARR

The key recommendations of the Committee for Administrative Reorganization/Reform (CARR) were as follows:

- A directly elected chief executive (chairman) and a representative council (parishad) at each successive local level, that is, zila (district), upazila (subdistrict), and union with an elected chairman with adequate staff support
- Elected councils at each level with full functional control over the officials working for them
- Adequate devolution of administrative, judicial, and financial powers at zila and upazila levels
- Elimination of subdivisions and divisions as tiers of administration
- Appointment of elected chairman of lower councils as ex officio members of immediate higher councils
- Development of an infrastructure at the upazila level

The then-government constituted another committee to suggest ways and means for implementing the recommendations of the CARR, that is, the National Implementation Committee for Administrative Reform and Reorganization (NICARR). In 1988, the implementation of the NICARR recommendations resulted in the creation of upazila (subdivision) administration at the local level (Ali 2007).

### 14.3.7 Coordination of Government and Development Partners in Administrative Reform

The government in 1991–1996 constituted a commission to conduct a fresh inquiry into the state of local government, which recommended measures consistent with the spirit of the constitutional provisions specified in Articles 59 and 60 so that local government and democracy could be institutionalized at the grassroots level (Table 14.1). The commission also recommended reorganization of the Union Parishad and the Zila Parishad in order to translate the objectives of the government. Also, a number of reports on public administration were produced from that period. The Public Administration Efficiency Study by the UNDP (2006), Towards Better Government by four secretaries, and Government that Works by the World Bank, and so on were significant; however, none of the recommendations of these reports were implemented (Ali 2007).

## 14.4 Recent Administrative Reforms in Bangladesh (1996 to Present)

### 14.4.1 Strengthening Local Government

In 1996, the government appointed a commission to reorganize the local government system of Bangladesh; it suggested a four-tier local government, namely Gram Parishad, Union Parishad, Thana Parishad, and Zila Parishad. The commission also stressed the need for creating a permanent local government commission, independent of the executive control, to supervise, review, control, and monitor functions of the local government units and to suggest appropriate measures to strengthen the local government system.

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**BOX 14.1 ADMINISTRATIVE REFORM COMMITTEES AND BODIES IN BANGLADESH**

1. Civil Administration Restoration Committee (CARC), appointed on December 27, 1971, submitted its report on January 4, 1972.
2. Administrative and Service Reorganization Committee (ASRC), appointed on March 15, 1972, submitted its report in two phases in April 1973 and in May 1974.
3. National Pay Commission I (NPC-I), appointed on February 20, 1976, submitted its main report on May 27, 1977.
4. Martial Law Committee for examining organizational set up of ministries/divisions, departments, directorates, and other organizations under them (MLC-I)
5. Reorganization Committee for Administrative/Reform (CARR), appointed on April 28, 1982, submitted its report on June 22, 1982.
6. Martial Law Committee for examining organizational set up of public statutory corporations (autonomous/semi-autonomous bodies and allied organizations) II (MLC-II)
7. Committee for examination of irregularities in appointment and promotion of officers and staff in the government (CEI)
8. National Pay Commission II (NPC-II) was appointed on May 31, 1984, submitted its report in 1985.
9. Secretaries Committee on Administrative Development (SCAD) was appointed on April 20, 1985, submitted its report in 1986.
10. Special Committee to review the structure of the senior services pool (SC) was appointed on December 23, 1985, submitted its report in 1986.
11. Cabinet Sub-Committee (CSC) was appointed on June 3, 1987, submitted its report on June 22, 1989.
12. National Pay Commission III (NPC-III)
13. Administrative Reorganization Committee (ARC) was appointed in August 1993, submitted its report in August 1996.
14. National Pay Commission IV (NPC-IV) was appointed in August 1996.
15. Administrative Reforms Commission was appointed in December 1996.

*Source:* Khan, M.M. (1998). *Politics of Administrative Reform: A Case Study of Bangladesh*. New Delhi: Ashish Publishing House.

### *14.4.2 Implementing the Principles of New Public Management (NPM) by PARC*

The Public Administration Reform Commission (PARC) was constituted in January 1997 and submitted its recommendations in June 2000. It was constituted to ensure good governance with a view to achieving socioeconomic development in the country. The government set up the commission on the eve of such an era when the whole world was moving to embrace the new concept of public management. The task given to PARC was to recommend improving transparency, efficiency, accountability, effectiveness, and dynamism; institutional and procedural changes necessary to attract investment; prevention of wastage and improvement of service delivery to ensure value for money; combating corruption; and devolution of authority and rationalization

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**Table 14.1 Reports Prepared with the Assistance of Development Partners**

| *S. No.* | *Name of the Report* | *Year* | *Agency Involved* | *Main Focus* |
|---|---|---|---|---|
| 1 | Public Administration Efficiency Studies | 1989 | USAID | Secretariat system, relationship between ministries, departments, and corporations. |
| 2 | Report on Public Administration Sector Study in Bangladesh | 1993 | UNDP | Public administration reform in the government with emphasis on certain specific areas. |
| 3 | Towards Better Government in Bangladesh (Four Secretaries Report) | 1993 | DFID | Administrative reforms of priority areas in the short term; provides advice on preparation of a comprehensive medium-term and action Plan in context of a long-term vision of the redefined role of the state. |
| 4 | Government That Works: Reforming the Public Sector | 1996 | World Bank | Comprehensive administrative reform, privatization, and reduced levels of government. |
| 5 | Local Government in Bangladesh: An Agenda for Governance | 1996 | UNDP | Local government issues. |
| 6 | Taming Leviathan-Reforming Governance in Bangladesh | 2002 | World Bank | Ensure accountability and transparency in government operations. |
| 7 | Public Administration Reform in Bangladesh | 2004 | UNDP | Civil service reform issues. |

*Source:* Ali Shawkat, A.M.M. (2007). *Civil Service Management in Bangladesh*. Dhaka: University Press Limited.

of existing manpower. PARC came up with legal, regulatory, and procedural changes necessary to implement reform proposals, including an institutional arrangement for the implementation of commission-prescribed recommendations. The commission suggested some recommendations to ensure higher performance of administration (Public Administration for 21st Century, June, 2000).

A separate local government service commission was proposed to be created for recruitment of personnel for the local government bodies as there is no recruiting agency for this purpose. The committee held the view that there should not be any provision of reservation of posts for a particular cadre. There should be adequate opportunity for talented people to rise up to the top from any level of the service. In all categories of jobs, women hold fewer positions than what is available for them through the quota system (Table 14.2). Women candidates could be given priority in career advancement as an interim affirmative measure for a certain period. In Bangladesh, merit considerations have been compromised with the manner and principle of selection. Here, recruitment policy is based on quota system (GoB 2000).

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**Table 14.2 Existing Quota System in Recruitment**

| *Types of Quota* | *For Class I and Class II Officers (%)* | *For Class III and Class IV Employees (%)* |
|---|---|---|
| Merit | 45 | — |
| Orphaned and disabled | — | 10 |
| Freedom fighters | 30 | 30 |
| Women | 10 | 15 |
| Tribal | 5 | 5 |
| Ansar and Village Defence Party (VDP) Members | — | 10 |
| General | 10 | 30 |
| Total | 100 | 100 |

*Source:* Report of the Public Administration Reform Commission V-1. June 2000, p. 30.

The existing quota system restricted the availability of skilled professionals, and the commission suggested lateral entry to remedy this weakness of the bureaucracy in Bangladesh.

The commission suggested that an enabling environment be created for women to work in field jobs by providing:

1. Appropriate field accommodation and transport for field visits
2. Day care centers, health and education facilities for children
3. Separate toilets for women employees, security arrangements, and so on
4. Access to secure accommodation and if possible, husband and wife should be posted in same locality

The commission came up with two interim and two long-term recommendations to improve administrative efficiency. In short, these recommendations advocated grade-wise identification of employees instead of class-wise identification of employees and raised merit quotas. It also recommended that merit be the basis of appointment, and discipline and that a senior management pool should be introduced. Furthermore, it suggested that equitable scope for promotion be ensured. Moreover, the annual confidential report (ACR) form may be amended. Accordingly, merit, efficiency, and integrity should be maintained. The retirement age should be raised from 57 to 60 years. These recommendations have not yet been implemented by the government.

Since 2000, Bangladesh has made considerable progress toward meeting the commitments of the Millennium Declaration, and some significant changes have taken place in democratic governance and human rights. For example, the judiciary has been separated from the executive; a number of independent commissions, such as the National Human Rights Commission, Right to Information (RTI) Commission, and Anti-Corruption Commission (ACC), have been established or strengthened; new laws, an electoral roll with photographs, and a significantly improved electoral process that supported national elections and transition to democratic governance in 2008 is in vogue; the UN Convention against Corruption was ratified; a National Identity Card

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has been introduced to support public service delivery; and a vibrant civil society continues to support poverty alleviation (MDG 2009).

### *14.4.3 One-Stop Bill Payment System*

One reform proposed by PARC (Public Administration Reform Commission, June 2000, report number 11) was the provision to enable customers to pay all of their bills at one place and time. Previously, customers faced the inconvenience of making several payments at different times and places; bills for four utility services—telephone, power, gas, and water—had to be paid at separate banks on particular days of the month. This entailed a great deal of hassle for users, who had to run between branches and wait in queues for hours. The One-Stop Utility Bill Payment System was established in 2003 to remove these problems. In the present system, a subscriber can pay bills of all utility services in one bank, greatly reducing costs of time and travel (*The Daily Star*, September 13, 2003).

### *14.4.4 Establishment of the ACC*

The ACC of Bangladesh was created through an act promulgated on February 23, 2004, that came into force on May 9, 2004. The first set of office bearers were appointed on November 21, 2004. The following day, it began its mission to make a difference in the nation's anticorruption initiative. Its predecessor, the Bureau of Anti-Corruption, was abolished on the same day. Although initially it could not create the desired impact, following its reconstitution in February 2007, the ACC began working with renewed vigor and impetus duly acceding to the United Nation's convention against corruption that was adopted by the General Assembly on October 31, 2003 (http://acc.org.bd/about.php). The functions of the commission are as follows:

1. To enquire into and conduct investigation of offenses mentioned in the schedule
2. To file cases on the basis of enquiry or investigation and conduct cases
3. To hold enquiry into allegations of corruption on its own motion or on the application of aggrieved person or any person on his/her behalf
4. To perform any function assigned to commission by any act with respect to corruption
5. To review any recognized provisions of any law for prevention of corruption and submit recommendations to the president for their effective implementation
6. To undertake research and prepare a plan for prevention of corruption and submit recommendations to the president
7. To determine the procedure of enquiry, investigation, filing of cases and also the procedure of sanction of the Commission for filing case against corruption
8. To perform any other duty necessary for the prevention of corruption

### *14.4.5 Separation of the Judiciary from the Executive*

Significant changes have occurred in the justice sector since 2000. The Code of Criminal Procedure (Amendment) Ordinance of 2007 heralded the long-awaited separation of the judiciary from the executive. In 2009, it was codified in the Code of Criminal Procedure (Amendment) Act. However, further reforms will be required to ensure the independence of the higher judiciary. Particular attention is required to ensure professional caliber and integrity in judicial appointments (MDG 2009).

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### *14.4.6 Establishment of the Human Rights Commission*

In 2008, in a significant development, the Bangladesh National Human Rights Commission was established to protect and promote human rights. Key functions of the commission include investigation of complaints, promoting awareness, advising and assisting government in the formulation of policy and legislation, and encouraging ratification and implementation of international human rights treaties. The commission now requires immediate support from the government and development partners to build an active and effective institution (MDG 2009).

### *14.4.7 Establishment of the Information Commission*

The Information Commission (IC) enforces and oversees the RTI Act and rules and regulations made under the act. The functions are educating and resolving problems and enforcement of the rules. As part of the IC's work, significant internal and external consultations have been made relating to RTI. The IC also invites comments about significant documents that are produced about any work and can help to access information from any public body or other authority as defined in the act and to find information on requirement/demand. The functions of the IC (RTI Act 2009) are:

1. To issue directives for the preservation of, management of, publication of, publicity of, and access to information by authority
2. To prescribe the procedure for applying for information from the authority and, as the case may be, to fix appropriate price of information
3. To formulate guidelines and directives as to the preservation and implementation of the right to provisions recognized under the constitution of Bangladesh or any other law for the time being in force to preserve the RTI and recommend to the government for their effective implementation by indicating the impediments
4. To identify the impediments against the preservation and implementation of RTI of the citizens and to recommend to the government for an appropriate solution
5. To conduct research on the agreements relating to the RTI and other international instruments and to recommend their implementation
6. To examine the similarities of the prevailing law relating to the maintenance and implementation of the RTI and to make necessary recommendations to ensure harmonization with international instruments
7. To advise the government to ratify or sign any international instrument on RTI
8. To conduct research on preservation and implementation of the RTI and to assist the educational and professional institution for conducting such research
9. To advise and provide assistance to the government to make necessary laws and administrative directives for the preservation and implementation of the RTI
10. To publicize the issues relating to the preservation and implementation of the RTI among different classes of citizens of the society and to increase their awareness about the RTI by publishing, disseminating, or any other means
11. To advise and provide assistance to the organizations or institutions working for the preservation and implementation of the RTI and to citizens in general
12. To increase public awareness on RTI by conducting research, seminars, symposiums, workshops, and similar measures and disseminate the result obtained from the research
13. To give the authority technical and other assistance ensuring the RTI

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14. To establish a web portal for Bangladesh to ensure the RTI
15. To oversee the actions under any other law relating to the preservation and implementation of the RTI

### 14.4.8 Initiative for e-Government

The introduction of e-governance was another of PARC's (Public Administration Reform Commission, June 2000, report number 27) recommendation. While there is still some way to go, the process of computerizing systems, including information systems, has started. Web sites for different ministries are now available online, some containing useful information. The Ministry of Finance has developed software for budget planning, sensitivity, and impact analysis. The Ministry of Communication has created a database containing information about contractors and tenders. It has also created a project monitoring system for tracking progress of projects. The Bangladesh Planning Commission has developed an internal network, capability for videoconferencing, and a digital library, and it has created software for interfacing between the development and revenue budgets (*The Daily Star*, September 13, 2003).

In the ninth parliamentary election manifesto, the incumbent Awami League government (the present ruling party whose tenure ends at the end of 2013) declared a desire to make Bangladesh digital by 2021. Administration will be free from politicization and will be pro-people. Efficiency, seniority, and merit will be the basis of appointment and promotion in public service. Administrative reform, the RTI, and e-governance will be introduced. A permanent Pay Commission will be set up for civil servants (Vision,* 2020). The vision consists of four pillars: (1) developing human resources for the twenty-first century, (2) connecting citizens in ways that are most meaningful, (3) taking services to citizen's doorsteps, and (4) making the private sector and market more productive and competitive through the use of ICTs.

e-Governance is composed of three major components: G2C (government-to-citizen) involves interaction of individual citizens with the government; G2B (government-to-business) involves interaction of business entities with the government; and G2G (government-to-government) involves interaction among government officials, whether within a government office or within government offices. The regulatory/legal framework in Bangladesh has not yet been modernized to accommodate the growing needs of the electronic world. Still, in government offices, an e-mail has no official value and cannot be legally considered an acceptable mode of communication. Recently, the government formed laws to protect against cybercrime and slowly e-government is being introduced into every sector, especially education, health, and other development activities.

### 14.4.9 Introduction of Citizen Charter Provision

The concept of Citizen's Charters reached Bangladesh in 2000. The Public Administration Reform Commission (PARC) recommended the introduction of Citizen's Charters in a number of public agencies. On May 21, 2007, the Government of Bangladesh circulated an official order to prepare the Citizen's Charter, especially in parts of the public sector that provided basic services to the people. The order stipulated that the Citizen's Charter clearly mention which services would be provided, in which manner, and over which period of time. It should also state specific remedial

* Vision 2020: Election Manifesto of Bangladesh Awami League 2008, Ninth Parliamentary election of Bangladesh, Election Manifesto of Bangladesh Awami League: A Charter for Change.

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steps if the services were not properly delivered. The circular required that this information be disseminated widely. From that time, many government agencies have prepared Citizen's Charters, and they send those charters to the field offices. There they were prominently displayed, so that people could easily find and read them. And there they were still present when the Civil Service Change Management Program (CSCMP), a project implemented by the Ministry of Establishment with the technical assistance of the UNDP, was asked to make the wider public aware of the Citizen's Charter. The project team toured the country, organizing workshops and consultations in several districts and divisions. The workshops brought together hundreds of field officers, citizens, and civil society organizations to discuss, in an honest, constructive, and forward-looking manner, the current state of the first generation Citizen's Charter in their locality, whether it had actually led to improved services, and how the initiative could be taken forward. At the same time, the project team visited individual field offices, civil society organizations, and nongovernmental organizations (GoB 2010).

### *14.4.10 Public–Private Partnership*

Recently, Bangladesh has gained very rich experience in public–private partnerships (PPPs), especially with respect to the scope of nongovernmental organization (NGO) activities and social service. The sectors of PPP in Bangladesh are health, education, infrastructure development, tourism, ICT, and industries. Using innovative schemes such as PPPs to provide basic infrastructure is essential for countries like Bangladesh to generate the required investments to meet the Millennium Development Goals (MDGs).

The government plays a great role in PPPs as it forms a means to increase the quantity and quality of infrastructure investment. Legal and regulatory issues in relation to PPP should be sorted out. PPP should be kept out of all political and bureaucratic influences so that the projects can run smoothly irrespective of changes in the government (The Asia Foundation 2010).

## 14.5 Achievement and Failure of Administrative Reforms in Bangladesh

The quest for self-rule, democratic government, and effective public administration inspired the people of Bangladesh to participate in the war of independence in 1971. After 40 years of independence, politicians and administrators have failed to perceive the proper goals of administration and the relevant structure of central and local government. There were several reform commissions in different periods.

However, the outcome of reform is not positive enough. Bangladesh largely remains under the primitive setup of bureaucracy. And still, very little devolution and delegation of central government functions are allowed. The success and failure of reforms can be categorized within some focal points.

### *14.5.1 Decentralization of Power*

The existing and proposed local government tier (a four-tier setup) contradicts the constitutional provision of having elected local governments. The reality is that there is no local government setup at the top field administrative unit (i.e., division). For a long time, local governments have

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limited power and resources, whereas the central government and its agencies have been playing a dominant role in the management of local plans and development activities. Recently, Sheikh Hasina's government turned every divisional headquarters into city corporations. Now the time has come to talk about success and failure, what changes are going to happen, and how they would be practiced by local authorities.

### *14.5.2 Combating Corruption*

All important institutions of public life—the law and order enforcement agency, the judiciary, the revenue collection departments, the service sector, and the financial sector, to name a few, and a majority of public servants of all categories working in them are involved in corruption. Corruption has become so pervasive that the press in Bangladesh, Transparency International, and many development partners have drawn the attention of the government to corruption from time to time. To prevent the situation from getting worse, many argue that an ombudsman should be appointed without delay. However, no elected government has taken proper measures for the appointment of an ombudsman. But an anticorruption commission is working as an autonomous organization for preventing corruption at any level of government, and its organizational autonomy is not beyond criticism (Table 14.3).

Since 2000, Bangladesh has made a number of efforts to tackle corruption. Recognizing that corruption was hampering human development, the government formed the ACC in 2004. Bangladesh acceded to the UN Convention against Corruption in 2007. Since then, the commission began an active partnership with Transparency International Bangladesh (TIB) to jointly undertake various anticorruption programs. However, ensuring the effectiveness and independence of the ACC still remains a major challenge to democratic governance and the rule of law (MDG 2009). These initiatives have had some impact on Bangladesh, improving its relative rank in the Transparency International Corruption Perception Index over the last 5 years.

### *14.5.3 Facilitating Private Investment*

The present scenario of private investment in Bangladesh is not satisfactory. Investors are of the view that while government policies look very good on paper, the problems lie in their implementation. There is always a long delay in transmitting policy decisions from the policy-making level to the implementation level. Recently government has permitted a one-stop bill payment system to avoid critical hassle in investment.

**Table 14.3 Ratings in Public-Sector Corruption**

| *Indicator* | *2009* | *2008* | *2007* | *2006* | *2005* |
|---|---|---|---|---|---|
| Rank | 139 out of 180 | 170 out of 180 | 172 out of 179 | 160 out of 163 | 158 out of 158 |
| Score (1–10)* | 2.4 | 2.1 | 2.0 | 2.0 | 1.7 |

*Source:* TIB.

*A higher score indicates lower perceived level of public-sector corruption.

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## 14.6 Barriers to Administrative Reform in Bangladesh

Most of the administrative reform efforts in Bangladesh have faced serious barriers, both internal and external in nature. These include, among others, a lack of vision and mission, culture of secrecy, high degree of centralization, historical legacy, and sociopolitical factors.

### *14.6.1 Lack of Vision and Mission*

The large-scale nonimplementation of existing rules and regulations has created an environment of laxity. The general perception is that the members of public are harassed and humiliated by public officials at different levels of administration. The relationship between public officials and the members of the public has taken the shape of benefactor and beneficiary. And people are unaware of where and how to take the benefits of public offices.

### *14.6.2 Culture of Secrecy*

Even if a public official wants to inform clients about the services his/her organization provides, the present environment of secrecy does not allow him/her to do so. Behavior and actions are fettered by specific laws and regulations, such as the Official Secrets Act of 1923.

### *14.6.3 High Degree of Centralization*

Decision-making power and authority is highly centralized and in many cases violates existing instruction. An outmoded hierarchical structure, slow decision-making process, and cumbersome procedures diffuse responsibility and nullify the sense of accountability.

### *14.6.4 Historical Legacy*

The legacies of the current administrative system and culture have not been uniform over the years. The magnitude of bureaucratic corruption and politicization of administration and the service delivery system has increased manyfold in post-independent Bangladesh, while most of them have been carried over from the past (Sarker 1991). The current administrative system reflects the legacy of the past to a large extent, and the efficiency and effectiveness of public officials are still questionable. The decision-making system is highly centralized, leaving subordinate offices virtually powerless. However, there is a culture of secrecy in public service; administrative actions are not transparent, and the instruments of control and accountability are very weak (Khan 1998; World Bank 1996).

Reform initiatives have frequently failed because these efforts promoted technical solutions when, in reality, the main obstacles to improve public administration are sociopolitical in nature. The functioning of the public administration reflects a pervasive patron–client relationship operating within clearly defined hierarchies. It is far from unique in Bangladesh; these are problems that every society must struggle with at some point in its development (Huda and Rahman 1989). Public officials are blamed for their lack of service orientation, and the poor service delivery system has also been aggravated by politicization. However, there are widespread corrupt practices by public officials caused by poor remuneration, privilege, and their concomitant low self-motivation. As a result, the administrative system is afflicted with an inefficient public employment system, inter-cadre rivalry, a lack of favorable conditions for women, and a lack of linkage between

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performance and reward (USAID 1989). However, there is a high degree of politicization of the civil service in Bangladesh, and many administrative decisions are made on political party lines or client nexus. As a result, existing rules and regulations cannot be enforced rationally. The lack of political and administrative accountability is also quite evident, and the public bureaucracy has remained very dominant in the absence of political development in Bangladesh (Alavi 1979).

On the contrary, the union of executive and judicial authority in the hands of officials belonging to the BCS (administration) has further extended the supremacy of the executive branch and undermined the independence of the judiciary (Zafarullah, Khan, and Rahman 1997). However, the bureaucracy has remained overdeveloped in relation to other institutions in society. At present, the role of government is pervasive in all spheres of life historically, and the government has been overburdened with too many responsibilities, many of which could be carried out by NGOs and the private sector (GoB 2000).

## 14.7 Conclusion

Public administration in Bangladesh has been molded by both structural rigidities of an inherited colonial system of administration and the consequent behavioral patterns of bureaucrats. The behavioral pattern of bureaucrats has been dramatically altered due to changing social, economic, and political factors. These factors have greatly influenced changes in the values, norms, beliefs, and perception of bureaucrats. On the contrary, excessive reliance on hierarchy, elaborate formal rules and procedures, excessive control, lack of trust in subordinates, and diffusion of accountability are the common features in the administrative arena. These have damaged the structure and procedures of public bureaucracy as well as the attitudes and behavior of the public bureaucrats. As a result, they play many dysfunctional roles in the administrative reform efforts carried out by the successive governments in Bangladesh. Despite much reform measures, the quality of public services is still low, and the process of service delivery is also inefficient and sometimes ineffective.

First, over the years, Bangladesh adopted institutional, structural, and functional reforms in its public administration to improve performance in terms of efficiency and quality. The introduction of NPM practices is one of them. But it is half-hearted. Second, to oversee the functions of public administration, Article 77 of the Bangladesh constitution provides for establishing an ombudsman; although the government several times took necessary steps to do so, an ombudsman has not yet come into being. Third, the existing bureaucracy in Bangladesh still has not created a platform to exercise all necessary elements to ensure good governance. Fourth, poor pay to the public servants is a major cause of bad governance; ensuring reasonable pay to them is a must for ensuring good governance. Only with reasonable pay can public servants be motivated to work better. Fifth, globalization also means quality of service as per global standards. Customer satisfaction is the most important aspect of quality, and quality has been defined from this perspective. However, the Bangladesh government has shown little interest in studying customer satisfaction of any public agency. Finally, various reports on public administration reform have been prepared by international organizations such as the World Bank, the Asian Development Bank (ADB), the UNDP, the USAID, and the Department for International Development (DFID*) at different times. These reports were either shelved or ignored. However, there is still a Public Administration Reform Road Map (2010–2014) supported by development partners on the table to be endorsed. The commitment of the government can make a big difference.

* DFID. (2004). *Operationalising Propoor Growth: Bangladesh*. Dhaka: DFID.

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The disappointing results of the reform efforts during the era of traditional public administration may be seen partly as a consequence of political factionalism and the deeper structural relationships between political and administrative actors in Bangladesh. Much literature identifies various barriers to the implementation of administrative reform. Collective action by the bureaucracy is seen as an accepted norm of behavior, and each political party fears the cost of resisting such collective pressures. The party in power fears administrative disruptions, loss of votes, and loss of control over the administrative machinery so as to be able to use it for partisan gains. The use of the state machinery for partisan and personal gain has given the administration a sense of immunity to reform and forged a collusive bond between state, politics, and business. Consequently, the citizens' interest has largely been sidestepped. All the reports of administrative reform are paved with good intentions and propose scores of ways to reform administration, but they do not expose the political economy of Bangladesh's "politico bureaucratic entente," which serves as the most powerful driving force in retaining the old administrative order (Ali 2007).

## References

Ahmed, S.G. (2002). Public administration in the three decades. In A.M. Chowdhury and F. Alam (Eds.), *Bangladesh: On the Threshold of the Twenty-First Century*. Dhaka: Asiatic Society of Bangladesh, pp. 321–354.

Alavi, H. (1979). States in postcolonial societies: Pakistan and Bangladesh. In H. Goul-Bourne (Ed.), *Politics and State in the Third World*. London: Macmillan, pp. 38–69.

Ali Shawkat, A.M.M. (2007). *Civil Service Management in Bangladesh: An Agenda for Policy Reform*. Dhaka: UPL.

Caiden, G.E. (1969). *Administrative Reform*. Chicago: Aldine.

CPD (Centre for Policy Dialogue). (1994). *A Report on National Policy Dialogue on Remaining Public Administration for Improved Performance and Accountability*. CPD Dialogue Report No. 10. Dhaka: CPD.

GoB (Government of Bangladesh). (1973a). *The First Five Year Plan: 1973–1978*. Dhaka: Planning Commission.

GoB (Government of Bangladesh). (1973b). *Report of the Administrative and Services Reorganization Committee*. Dhaka: Bangladesh Government Press.

GoB (Government of Bangladesh). (1977). *Report of the Pay and Services Commission*. Dhaka: Bangladesh Government Press.

GoB (Government of Bangladesh). (1993). *Bangladesh Gazette: Extraordinary*, December 9, Cabinet Division. Dhaka: Bangladesh Government Press.

GoB (Government of Bangladesh). (2000). *Report of the Public Administration Reform Commission*. Dhaka: Bangladesh Government Press.

GoB (Government of Bangladesh). (2010). *Citizen's Charter: A Manual*. Dhaka: Ministry of Establishment.

Huda, A.T.M., & Rahman, M.A. (1989). *Delay in Disposal of Cases: A Structural Analysis of the Bangladesh Secretariat*. Savar: Public Administration Training Center.

Khan, M.M. (1998). *Administrative Reforms in Bangladesh*. Dhaka: University Press Limited.

Kim, P., & Monem, M. (2008). Civil service reform in Bangladesh: All play but hardly any work. Paper presented at the IRSPM Meeting, Queensland (Australia). http://researchexamples.com/wp-content/uploads/2011/04/unpan035761.pdf.

MDG (Millennium Development Goals). (2009). *Bangladesh Progress Report*, chapter 2. Dhaka: Planning Commission, Government of Bangladesh.

Quah, J.S.T. (1976). Administrative reform: A conceptual analysis. *Philippine Journal of Public Administration*, *20*(1), 50–67.

RTI. (2009). Right to Information Act 2009. Bangladesh.

Sarker, A.E. (1991). State intervention in rural development: A case study of Bangladesh. PhD dissertation, University of Liverpool, UK.

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Shah, M.H., & Yusoff, M.H. (Undated). *An Overview of the Administrative Reform in the Malaysian Public Service*. unpan1.un.org/intradoc/groups/public/documents/apcity/unpan003924.pdf

*The Daily Star*. (September 13, 2003). One stop utility bill payment in wings. http://www.thedailystar.net/2003/09/13/d3091301088.htm.

UNDP. (2006). *Role and Effectiveness of Bangladesh Civil Service in Achieving Millennium Development Goals, Preparatory Assistance on Developing Civil Service Capacity for the 21st Century Administration*. Dhaka, Bangladesh: UNDP.

United States Agency for International Development. (1989). *Public Administration Efficiency Study*. 5 vols. Dhaka: USAID and GoB.

World Bank. (1996). *Government That Works: Reforming the Public Sector*. Dhaka: UPL.

Zafarullah, H. (1998). National administration in Bangladesh: An analysis of organizational arrangements and operating methods. In H. Zafarullah & M.M. Khan (Eds.), *Bureaucratic Ascendancy: Public Administration in Bangladesh: The First Three Decades*. Dhaka: AHDPH, pp. 67–95.

Zafarullah, H.M., Khan, M.M., and Rahman, M.H. (1997). Civil service systems in Bangladesh. Paper presented at the Civil Service Systems in Comparative Perspective Conference, University of Indiana, Bloomington, pp. 5–8.

## Suggested Readings

Azmat, F., & Coghill, K. (2005). Good governance and market-based reforms: A study of Bangladesh. *International Review of Administrative Sciences, 71*(4), 625–38.

Bretts, R.H. et al. (1998). *The Utilization of Project Aid in Bangladesh: Finding and Recommendation: Final Report*, Vol. 1. Washington, DC: Development Alternatives Incorporated.

Haque, M.S. (2003). Reinventing governance for performance in South Asia: Impacts on citizenship rights. *International Journal of Public Administration, 26*(8–9), 941–64.

Hood, C. (1995). Contemporary public management: A new global paradigm? *Public Policy and Administration, 10*(2), 104–17.

Hughes, O.E. (1998). *Public Management and Administration: An Introduction*, 2nd ed. New York: Palgrave Macmillan.

Islam, K.N. (1996). Ombudsman: Theory and practice—A discussion on Bangladesh. *Journal of Administration and Diplomacy, 4*(1), 39–50.

Islam, N. (2004). *Looking Outward: Bangladesh in the World Economy*. Dhaka: The University Press Limited.

Jahan, R. (2008). The challenges of institutionalizing democracy in Bangladesh, ISAS working paper No. 39, presented at The Institute of South Asian Studies. National University of Singapore.

Kaufmann, D., & Mastruzzi, M. (2003). *Governance Matters: Governance Indicators for 1996–2002*. Policy Research, no. WP 3106. Washington, DC: World Bank.

Nunberg, B., & Nellis, J. (1990). *Civil Service Reform and the World Bank*. Working paper 422. Washington, DC: World Bank.

Public Administration for 21st Century. (2000). Report of the Public Administration Reform Commission, Volume 1.

Rouf, M.A. (2007). A pragmatic model for good governance in Bangladesh. *Asian Affairs, 29*(2), 5–21.

Rowat, R.C. (1968). *The Ombudsman, Citizen's Defender*. London: George Allen and Unwin.

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# *Chapter 15*

# Civil Service System and Reforms in Bangladesh

Mohammad Mohabbat Khan and Mohammad Ashraful Haque

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## 15.1 Introduction

Bangladesh inherited a relatively modernized civil service system that was elitist in orientation, training, power, prestige, and pay, as well as being hierarchically disciplined and strictly rule-bound, and having functionally specialized cadre services, in spite of being dominated by generalists (Khan 1980). Institutional permanence, technical expertise, administrative experience, and organizational network of the bureaucracy during the British and Pakistan periods very much outpaced the level of political development that politicians accepted bureaucratic hegemony in policy-making and implementation.



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After separation from Pakistan in 1971, Bangladesh confronted two primary challenges in re-engineering its administrative system. One was purely administrative and included transformation of a provincial civil service into a national civil service, restructuring of position classification and pay scales, and reassessment of the size of the administration. These were certainly formidable tasks, as the Pakistan Civil Service consisted of three separate services, that is, All-Pakistan Services (e.g., Civil Service of Pakistan and Police Service of Pakistan), Central Superior Services (e.g., Audit and Accounts Service, Customs Service, Income Tax Service), and Provincial Services (e.g., East Pakistan Civil Service [Executive and Judicial], East Pakistan Health Service, East Pakistan Education Service). All these services were organized under hundreds of grades and pay scales. Members of the All-Pakistan Services had career mobility in all other services. Members of the Central Superior Services also had a presence in the provincial secretariat and agencies. Members of the Provincial Services could also secure posts in the central government through promotion. In other words, at the point of liberation, Bengali civil servants were serving at the All-Pakistan, Central, and Provincial services both in the provincial government and the central government, and they were recruited, trained, and graded under different rules. Amalgamation of these officers who used to be under different service rules, grades, and pay into a single national civil service and retaining consistency in hierarchical subordination, administrative discipline, and terms and conditions of service was never easy.

The second challenge was politico-administrative in nature; it involved transforming a strong administrative state into a democratic state by establishing political leadership in policy-making and strengthening political accountability of the administration. This required a thorough review of civil service management issues like recruitment, training, placement, promotion, and discipline of the service in ways that would implant pro-people and responsive administration by reducing its past elitist and authoritarian nature and at the same time fostering meritocracy and morale. On December 27, 1971, the government formed the Civil Administration and Restoration Committee (CAARC) to address these two challenges for the interim period. Based on the report of this committee, the Bangladesh Public Service Commission was established in 1972 for designing and conducting selection tests for entrance into the civil service. Otherwise, structure and grading of positions were kept the same as they were during the preliberation period (Khan 1998). In March 1972, the Administrative and Services Reorganization Committee (ASRC) was formed with the mandate to reassess the existing structure of the civil service and suggest measures to establish a unified civil service according to the needs of the nation. The committee suggested abolishing differentiation between All-Pakistan, Central, and Provincial Services and establishing a civil service with unified grading structure of posts based on qualifications and experience. Instead of cadre services, the committee proposed to restructure all posts into specialized functional posts and generalist area group posts. Both functional and area group posts were proposed to be organized into 10 grades based on qualification and experience. However, recommendations of the committee were not implemented due to resistance from within the civil service (Khan 1998). Instead, ad hoc executive orders were used to manage the civil service. As a result, the amalgamation of erstwhile services into a unified civil service was done improperly; recruitment, promotion, and placement were to a large extent politicized, and the size of the civil service grew fast without proper assessment (Maniruzzaman 1980). The National Pay Commission (NPC) was appointed in 1972. The NPC recommended 10 scales of pay for civil servants to suit the 10 grades proposed earlier by ASRC. Some of the recommendations of the NPC, unlike ASRC, were accepted and partially implemented (Khan 1998).

The current structure of the civil service has found its basis in the recommendations of the Pay and Services Commission (P&SC), formed in 1976. This committee recommended 28 cadre

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services with equal pay and status, a four-tier administrative hierarchy, and 52 grades in the national pay scale (Khan 1998). Based on these recommendations, the government promulgated the Bangladesh Civil Service (reorganization) Order 1980 (later amended in 1986, 1992, and 2007) and created 14 cadres that eventually turned into 28 cadres at the top of the service. The civil service now includes four classes of hierarchically arranged officers in the 20 grade pay scales.

Citizens in Bangladesh in general do not trust civil servants. This deficit in trust is the result of a number of factors. First, most of the citizens in this country are poor and illiterate. Hence, there is an inherent tendency on the part of civil servants to either ignore them completely or to misbehave with them when they ask for access. Second, corruption is endemic in Bangladesh. Civil servants as part of the ruling elite play a critical role in encouraging, sustaining, and promoting corruption in the citizen–civil servant nexus. This entails that those with money and influence can get their desired services, but most without money and influence have to be content without required basic services. Third, the administrative system in the country has been built on laws, rules, and regulations that have in most cases outlived their utility. Added to this is the tendency to break rules on the part of civil servants, especially at the field level.

In the following sections of this chapter, we analyze the current structure and position classification of the civil service; its size and growth; central personnel agencies that manage the civil service; recruitment, selection, and performance appraisal processes; benefits and compensation; and recent reform efforts.

## 15.2 Current Structure, Position Classification, and Size of the Civil Service

### *15.2.1 Legal Framework*

Article 55 (6) of the Constitution provides that the president shall make rules for allocation and transaction of the business of the government. At present, the Rules of Business (ROB), 1996, governs allocation and transaction of business among public agencies and standardizes interagency relationships. As per Article 65(1) of the Constitution, Parliament enacts laws that set the legal context for the functioning of the civil service. The same article authorizes Parliament to delegate authority to the executive to make rules, regulations, and bylaws that regulate day-to-day disposal of business. The Constitution of Bangladesh is one of the very few constitutions that provide legal basis for the civil service. Part IX of the Constitution includes Articles 133 to 141, which are related to civil service management. Article 133 mentions that Parliament may by law regulate the appointment and conditions of the service of the civil servants. Article 136 empowers Parliament to make laws for reorganization and reform of the service and to bring change in the service conditions of the civil servants as necessary. However, no legislation has yet been made to regulate appointment and service conditions of civil servants. At present, the civil service is managed by the rules made by the president on the recommendation of the prime minister and the executive orders and notifications of the government. Recently, the government drafted a Civil Service Bill, 2010, delineating structure, service values, and standard and terms and conditions of appointment.

The Service (Reorganization and Conditions) Act 1975 delegated sweeping powers to the government to reorganize services through unification, amalgamation of existing services, or creating new services; to determine grades and salaries of public servants; and to change their service conditions. No amendment to this act has been made as of yet to empower Parliament for setting broader principles for undertaking accountable and responsive reforms in the civil service.

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### *15.2.2 Structure of the Civil Service*

The terms "civil service" or "civil servant" are not defined by Bangladesh's government in any service rules. Section 2 (d) of the Surplus Public Servants Absorption Ordinance, 1985, denotes "public servant" as any person who is, for the time being, in the service of the republic or any local authority except employees of the defense service, members of temporary commissions/committees, contingent workforce, project employees, or officials on contract. Within this parameter, the civil service may include all offices that appoint civil servants, such as ministries, divisions, departments, directorates, subordinate offices; divisional, district, and upazila (i.e., the lowest administrative unit under the supervision of a district) administration; autonomous bodies; and public corporations. Statistics of civil officers and staff are published by the Organization and Management (O&M) Wing of the Ministry of Public Administration (MOPA), including all sorts of employees in the aforementioned administrative units.

The civil service is organized into the secretariat and the field administration. Since the colonial period, the secretariat has been the core of the entire administrative process (Zafarullah and Khan 2005, 72). According to the ROB 1996, the secretariat is defined as the conglomerate of all ministries and divisions. The secretariat system aims at establishing an authority relationship, control and supervision, communication, and optimum coordination among the self-contained administrative units, that is, ministries and divisions and their subordinate offices. The secretariat collects, collates, analyzes, and evaluates data, facts, evidence, and figures in different functional areas to facilitate policy and legislative process and to help ministers discharge their functions in the parliament. Due to its policy and supervisory role, the secretariat exercises enormous *de jure* and *de facto* administrative power. The conglomerate of departments, directorates, and subordinate offices under all ministries within a particular administrative unit is called the field administration. Field agencies implement policies and programs of the government. Currently there are three administrative units called division, district, and upazila (subdistrict). The field agencies perform under the overall supervision of the secretariat, that is, the concerned ministry or division. Traditionally, the district has been the nerve center of the field administration.

According to the ROB 1996, a division is a self-contained administrative unit responsible for the conduct of the business of the government in a distinct and specified area and declared as such by the government. A ministry refers to a division or a group of divisions headed by a minister. In Bangladesh, there is no administrative principle for constituting ministries. Therefore, it is difficult to differentiate a ministry according to the principles of specialization, that is, process, clientele, task, and area (Zafarullah and Khan 2005, 73–74). This is one reason for duplication and overlapping of functions among ministries/divisions. Each government decides the number of ministries according to its political compulsions rather than administrative and economic pragmatism (Zafarullah and Khan 2005). At present, Schedule 1 of the ROB 1996 governs allocation of business among ministries. It also provides the prime minister with the authority to rearrange government businesses among ministries as required.

The minister is the executive head of a ministry, whereas the secretary is the administrative head and the principal accounting officer of that ministry. Internally, a section is the basic working unit of a division headed by an assistant secretary/senior assistant secretary. One or more sections are grouped under a branch and headed by a deputy secretary. A wing means a self-contained subdivision of a ministry/division for conducting specified duties of a distinct nature and headed by a joint/additional secretary. The ROB 1996 has not defined the responsibilities of the additional and joint secretaries in the case of a wing. Therefore, wings having both additional and joint

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secretaries mean that all files should go through an additional layer of decision-making hierarchy, leading to increased red tapism and delay.

Under the ROB 1996, the secretary is authorized, by means of standing orders, to distribute the work of the ministry/division among various sections or other units of the ministry. Sometimes the secretary can form a cell in consultation with the MOPA to perform special functions, for example, agricultural input monitoring cell in the Ministry of Agriculture (MOA). The secretary thus as the administrative head, principal accounting officer, and the allocator of businesses within ministry exercises considerable power and authority. Most of the ministries have five decision-making layers, resulting in considerable procrastination (Zafarullah and Khan 2005, 78).

Civil service at field administration level is divided into attached offices, subordinate offices, and autonomous and semiautonomous bodies and corporations. Attached offices are directly associated with ministries and work at the national level. Departments and directorates comprise attached offices. However, there are no defined criteria to determine when an attached office will be termed either a department or directorate. According to the ROB 1996, the government is privileged to declare an attached office as a department or directorate. Both department and directorate heads are called director generals. Even some directorates have a director as the executive head. Subordinate offices function under the direction of attached offices and work at the local level. Autonomous and semi-autonomous bodies include bureau, board, authority, and council. Boards and councils have chairmen as their executive head. Some boards have an executive director at the apex. The director general heads the bureau. Corporations are public sector commercial entities.

### *15.2.3 Position Classification*

The Bangladesh Civil Service (BCS) follows inconsistent position classification principles. Positions are classified into two broad occupational groups, cadre and non-cadre positions. There are 28 cadre services at the apex of the civil service. Cadre services apply the rank-in-person method based on closed career and status. Non-cadre positions follow the rank-in-position method based on functional requirements. Cadre positions have a defined line of hierarchy and have higher vertical and horizontal mobility, line authority, and prestige than do non-cadre positions. In terms of grade and pay, positions are organized into four classes: I, II, III, and IV. Promotion from one class to the next higher class is strictly regulated. Educational qualification, pay, and appointment procedures are distinct for each class. Despite their similarity in the educational qualifications, reasons for differentiating between class I and II positions are not very clear. Table 15.1 shows defining criteria of four classes.

All cadre positions belong to class I. Promotion from class IV to class III is not allowed. Apart from this, promotion from one class to the next higher class is strictly regulated and requires both a minimum length of service and passing a promotion examination conducted by Bangladesh Public Service Commission. Moreover, a quota policy is strictly followed for promotion to a particular position belonging to a higher class.

### *15.2.4 Size of the Civil Service*

The BCS has repeatedly been criticized as an oversized administration (World Bank 1996). The size of the BCS has grown at a faster pace since independence. The civil service started with 0.4 million workforce in 1972 and increased to 1.26 million in 2009. On the other hand, the population of

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**Table 15.1 Definition of Classes in BCS**

| *Class* | *Grades of Pay* | *Level of Responsibility* | *Minimum Educational Qualification* | *Appointing Authority* |
|---|---|---|---|---|
| I | Scale 9 to 1 | Executive/managers | Bachelor's degree | President |
| II | Scale 14 to 10 | Supervisory staff/ administrative officers | Bachelor's degree | President |
| III | Scale 19 to 10 | Clerical staff | Higher secondary/ diploma | Ministry |
| IV | Scale 20 to 13 | Messengerial staff | Junior school | Field agencies |

**Table 15.2 Increase in Size of the BCS**

| | *1972* | *1980* | *1992* | *2002* | *2009* |
|---|---|---|---|---|---|
| Size (in 100,000) | 4.15 | 4.65 | 10.56 | 10.64 | 12.65 |

*Source:* Khan, M.M. (1998). *Administrative Reforms in Bangladesh*. New Delhi: South Asian Publishers; Ministry of Establishment, Government of Bangladesh. (2009). *Statistics of Civil Officers and Staff*. Dhaka: Ministry of Establishment, Government of Bangladesh.

the country has also increased from 70.5 million in 1972 to 142 million in 2011. The size of the national budget also increased more than 100-fold from mere Tk 1.08 billion in 1972–1973 to Tk 1,630 billion in 2011–2012.

Initial growth can partly be explained by the nationalization policy of the then-government that incorporated a workforce of nationalized banks and commercial establishments into the civil service. Table 15.2 shows that the size of the civil service dramatically increased between 1980 and 1992. This perhaps was caused partly by the introduction of the upazila system by the Ershad regime (1982–1990) and partly by the government's special emphasis on primary education after 1990 that required recruitment of a large number of primary school teachers.

Compared to international contexts, BCS can hardly be called an oversized bureaucracy. The size of BCS is only 0.89% of the population, whereas the average size of the bureaucracies of African, Asian, and OECD countries is 2%, 2.6%, and 7.7%, respectively (Salvatore Schiavo-Campo et al. 1997). It is therefore difficult to generalize the size of the country's bureaucracy either as oversized or undersized. There is no systematic longitudinal study on the productivity and efficiency of the civil service.

The statutory responsibility for conducting need assessment of the size of manpower lies with the Ministry of Establishment [MOE, now renamed as Ministry of Public Administration (MOPA) and Ministry of Finance (MOF)]. The O&M Wing of the MOPA is specifically responsible for this function. Usually, a ministry/division initiates the process by submitting a proposal for creation, abolition of posts, or revision of organograms. Any such proposal has to be submitted to MOPA for verifying its functional and efficiency implication and also to MOF for examining financial implication. However, the final decision of manpower review comes from the prime minister.

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Manpower is determined in two steps: (1) creation of standard setup and allied staff, for example, secretary, additional secretaries, joint secretaries, or heads of departments and their required staff, and (2) the volume of activities of the organization (Haque and Mozumder 2010). The general practice followed in the creation of new posts under the revenue budget is to create such posts on a temporary basis for about a year. They are then converted into a permanent post based on need usually after 5 years. In cases of creation of new ministries, MOPA usually determines the size based more on expediency than on any objective need assessment.

Under the development budget, posts are created for investment and technical assistance projects. Need assessment of project personnel is carried out in two phases: first, during the approval of the project concept paper (PCP) and, second, during approval of the transfer of project personnel to revenue budget (Haque and Mozumder 2010). During the approval of the PCP, a representative from the O&M Wing of the MOPA attends the inter-ministerial meeting for scrutinizing the proposed manpower. Notwithstanding his presence, it cannot be claimed that the need assessment of manpower for projects is properly done. This is because of the technical nature of the tasks, which can hardly be delivered instantly in a meeting. In the second stage, the transfer of project posts into the revenue budget needs concurrence of both the MOPA and MOF. After the concurrence of the two ministries, the relevant minister-in-charge finally approves the creation of the posts in the revenue budget.

## 15.3 Central Personnel Agencies and Institutional Framework of Civil Service Management

The MOPA, Bangladesh Public Service Commission (BPSC), and MOF are the central personnel agencies. MOPA is broadly responsible for laying down the broad policies, principles, rules, and regulations for the management of the civil service. Specific responsibilities of the said MOPA include (1) formulation of policies, composition of cadre service, and advising other ministries and divisions on proper management of cadre services under their control; (2) enactment of recruitment rules for all services and posts; (3) formulating policy regarding classification of services and posts and determining their status; (4) making policy regarding Annual Confidential Report (ACR); (5) career development of government servants; (6) promulgation and amendment of the Secretariat Instructions; and (7) administrative research, management, and reforms for better and economic execution of government business, and so on (Schedule I of the ROB 1996). Besides, it has key role in training, discipline, and promotion of cadre personnel.

BPSC is another central personnel agency that plays a key role in the recruitment of class I (cadre and non-cadre) and class II officers and the conduct of departmental examinations for promotion. Article 140 of the Constitution includes specific functions of the BPSC (2005) as follows:

- To conduct tests and examinations for the selection of suitable persons for appointment to the service of the republic
- To advise the president on matters relating to qualifications for and methods of recruitment to the service of the republic; principles to be followed in promotion and transfer from one branch of service to another; suitability of candidates for such appointment, promotion, and transfer; matters affecting terms and conditions of the service; and the discipline of the service

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MOF has a central role in areas that entail financial matters, for example, major reorganization, creation or abolition of posts, promotion and absorption of project posts into revenue posts, and so on. More of a convention than rules, the office of the prime minister (PMO) and the cabinet exercise occasional control over the personnel management, especially in the promotion of deputy secretaries and officers ranked above and deployment of generalist officers in district and upazila administration.

Ministries/divisions have certain delegated authority in personnel management. Most of the personnel functions of class I (non-cadre), II, III, and IV posts of a ministry/division and its attached departments and directorates are managed by the concerned ministry/division according to rules and regulation promulgated by the MOPA. Besides, cadre-controlling ministries* are authorized to manage personnel functions at the top level posts of that cadre, that is (1) officers not below the rank of member/director in cases of public statutory corporations and (2) officers not below the level of National Pay Scale V in cases of attached departments and subordinate offices. Article 117 of the Constitution provides for establishing administrative tribunals (ATs) outside the purview of the judiciary for settling of administrative grievances arising out of personnel management. The Administrative Tribunal Act, 1980, provides detailed procedures for constituting the tribunal and conducting the judicial process.

### *15.3.1 Recruitment and Selection Process*

Recruitment and selection of cadre services is governed by the BCS Recruitment Rules, 1981. Recruitment to BCS cadres is a joint responsibility of the MOPA and the BPSC. MOPA compiles the staffing need of various cadres under different ministries/divisions and requests the BPSC to conduct the selection test. The BPSC, with the concurrence of the MOPA, determines the syllabus for examination, designs the mode of examination, conducts examinations, and recommends qualified candidates for final appointment. Once selected, a person has to undergo a period of 2 years of probation. Unless the person is able to complete the probation period satisfactorily, such period may be extended for a further period, not exceeding 2 years. If a probationer is found incompetent for retention, the agency can terminate his/her appointment without consulting the BPSC.

When the open competitive examination for BCS (cadre services) recruitment started in 1982, each candidate had to appear for an examination, which had a total of 1,600 marks. In 1984, the total marks were reduced to 900. However, in 1985, the BPSC decided to increase the total marks again. Since then, each candidate has to participate in an exam of 1,000 marks: 500 marks for compulsory subjects, 300 marks for optional subjects, and 200 marks for the viva voce test. The five compulsory subjects are Bangla, English, Bangladesh Affairs, International Affairs, and General Mathematics and Science, with 100 marks for each. The marks distribution for technical and functional cadres had no optional subject exams. Instead, 300 marks were based on the candidate's academic attainments (BPSC 2005, 17). In 2004, the BPSC decided to introduce the new BCS examination in 2006 from the 27th BCS examination. Now, all candidates sit for a 100-marks MCQ-based preliminary test first. Preliminary test is an aptitude test that tests language proficiency, knowledge in literature, proficiency in basic mathematics and general science, and general knowledge, mostly on up-to-date Bangladesh and international affairs. Candidates

* Some ministries have control over a particular cadre. For instance, BCS (administration) is under the MOPA, BCS (foreign affairs) under the Ministry of Foreign Affairs (MOFA), BCS (audit and accounts) under the MOF, BCS (health) under the Ministry of Health, and so on.

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who clear the preliminary test appear for written examination comprising five subjects for a total of 900 marks, with 100 marks for viva voce. Candidates for general cadres like BCS (administration), BCS (police), and so on, have to take up a test comprising Bangla for 200 marks, English for 200 marks, Bangladesh affairs for 200 marks, international affairs for 100 marks, general science and information technology for 100 marks, and mathematics and mental ability for 100 marks. On the other hand, candidates of technical cadres such as BCS (agriculture) and BCS (health) have to appear for a test comprising Bangla for 100 marks and a Bangladesh affairs test for 100 marks, but are exempted from a 100-mark test on general science and information. Instead, they have to take up a subject-knowledge test for 300 marks. In its recent move, BPSC, from the 31st BCS examination, has decided to increase the marks for viva voce from 100 to 200.

The recruitment in non-cadre class I and II posts is designed and organized by the BPSC upon the request of the particular ministry or attached offices. If the number of candidates is large than expected, candidates have to appear for a 100-marks multiple choice question (MCQ) preliminary test followed by a one-day written test and viva voce. Recruitment to class-III and -IV posts is designed and conducted by the ministry and attached offices themselves.

Recruitment in Bangladesh's civil service is not entirely merit based, as most vacancies are filled through a quota (reservation) system instead of selection test score. In classes I and II, 45% of candidates are chosen from the merit list, and the remaining 55% are reserved for the district quota that is allotted among 64 districts of the country. This district quota is again divided into a freedom-fighter quota (30%), district merit list (10%), women quota (10%), and tribal quota (5%). Interestingly, recruitment of class-III and -IV posts is not based on merit. Candidates for such classes of employees are chosen solely on the basis of a reservation system. The reservation system is based on a formula: 10% for physically challenged people, 30% for freedom fighters, 15% for women, 5% for tribal, 10% for Ansar and village defense members, and the remaining 30% for districts.

Not adhering to merit principles while recruiting civil servants results in a number of serious problems later. First, the citizens of the country are denied the services of the best and brightest. They have to contend with second- or third-best candidates becoming civil servants via a quota floodgate. Second, the quota appointees in the civil service are promoted along with merit-based appointees, and that sometimes restricts the opportunities for the latter. This creates tensions in the civil service and vitiates the work environment, resulting in low productivity in terms of service. Third, citizens' tax money will be spent for many years to pay salaries and other benefits to quota recruits whose productivity is suspect.

### *15.3.2 Performance Appraisal and Promotion*

Bangladesh Service Rules 1983 and the Establishment Manual provide for detailed procedure of performance appraisal in the civil service through a method called Annual Confidential Report (ACR). For promotion, there is no specific legal framework other than BCS (Examination for Promotion) Rules, 1986. Promotion to a higher position is regulated by executive policies and orders and therefore often generates inconsistency in evaluation and objectivity.

Merit is determined solely on the basis of marks obtained in the ACR in BCS. ACR is a prescribed form having eight parts. It also contains a number of major instructions for the report initiating officer (RIO) and the countersigning officer (CSO). Parts III and IV form the core of the ACR, as these contain personal traits and job-related indicators, respectively. Part III includes 13 personal traits, while part IV has 12 performance indicators. Each item is measured on a four-point scale, comprising 100 marks in total. The rating is categorized in Table 15.3.

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**Table 15.3 Classification of Rating in ACR**

| *Outstanding* | *Excellent* | *Good* | *Average* | *Below Average* |
|---|---|---|---|---|
| 95–100 | 85–94 | 61–84 | 41–60 | ≤40 |

Part VI is also important as the concerned RIO recommends the need for further training, the suitability for specific duties and demonstrated aptitude, and the honesty and reputation of the officer reported upon (ORU). It also includes comments as to the fitness for promotion of ORU. Adverse remarks are an important component of the ACR in that the RIO can make against the ORU in parts V and VI. Adverse remarks have a severe impact on the career prospect of the ORU, and therefore instructions on the ACR provide that the RIO give a chance to the ORU for needed correction. Usually, the ministry provides the opportunity of hearing to the ORU before adverse remarks are finally recorded.

The problem with the ACR is that both RIOs and ORUs consider the system as invalid and unreliable (Haque 2010). This is so mostly because the criteria that are measured in parts III and IV are not standardized across different grades and placement of positions and the graphic rating scale that is used as the measurement instrument is not calibrated objectively. For example, traits like personality, intelligence, and sense of proportion that are included in part III cannot be defined to universal satisfaction. Even standard definitions of such traits are not provided in the ACR. Similarly, performance indicators that are used in part IV are subject to varied interpretation. Haque (2010) found three dominant definitions that RIOs/ORUs perceive in interpreting the indicator "quantity of the tasks performed." These are (1) volume of tasks that the supervisor assigns to the ORU, (2) average volume of tasks in the concerned desk of the ORU, and (3) volume of tasks compared to other employees in a similar position.

The promotion process is centralized in Bangladesh. Promotion from grade IX to grade VI is recommended by the Departmental Promotion Committee (DPC) followed by the approval from the minister in charge and the prime minister. Promotion from grade V to grade I is recommended by the Superior Selection Board (SSB) followed by the approval of the prime minister. Promotion is given in two ways: promotion to senior scale and promotion to senior post. Promotion to the senior scale is contingent on a qualifying examination called the Bangladesh Civil Service Cadre Officers' Senior Scale Promotion Examination conducted by the BPSC each year. The BCS (Examination for Promotion) Rules, 1986, provide some disincentives to merit principles and even nullify some provisions of the BCS Recruitment Rules, 1981. One is that the 1986 rules provide exemption to civil servants who are 50 years of age from passing the examination in order to obtain further promotion. Second, if a junior officer successfully passed the promotion examination earlier than his senior in the same batch, then the senior, subject to his/her passing the examination later, would get preference over his junior when they would be considered for promotion at the same time.

Promotion to senior posts is based on three criteria: seniority, marks obtained in the ACR, and good conduct. Other things being equal, seniority is determined on the basis of date of entry into service at the time of initial recruitment. The seniority list, fixed by the BPSC based on the result of recruitment examination, is not interfered with. In addition, each ministry is required to draw a list of seniority (called a gradation list) and get it vetted by the BPSC. Good conduct is determined by the number of adverse remarks during the service period and departmental disciplinary proceedings. According to the latest MOPA Regulation for Promotion, 2002, the following criteria are set for promotion to the level of deputy secretaries and above (Table 15.4).

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**Table 15.4 Criteria for Promotion**

| *No.* | *Description* | *Marks Distribution* |
|---|---|---|
| 1. | Educational qualification | 25 |
| 2. | Average of last 5 years' ACR | 30 |
| 3. | Average of entire career ACR, except the last 5 years | 25 |
| 4. | Bonus for no adverse remarks on ACR in entire career | 10 |
| 5. | Bonus for no punishment in entire career | 10 |
| 6. | Deduction for each minor penalty on adverse remark | –2 |
| 7. | Deduction for each major penalty on adverse remark | –5 |

**Table 15.5 Quota System, Seniority, and Minimum Score for Promotion**

| *Position* | *Minimum Length of Service* | *Quota for BCS (Administration) in %* | *Combined Quota for Other Cadres in %* | *Minimum Qualifying Score* |
|---|---|---|---|---|
| Deputy Secretary (DS) | 10-year service with 5 years in senior scale | 75 | 25 | 80 |
| Joint Secretary (JS) | 15-year service with 5 years as DS | 70 | 30 | 85 |
| Additional Secretary (ADS) | 20-year service with 3 years as JS | 70 | 30 | 85 |
| Secretary | 22-year service with 5 years in secretariat posts and 2 years as ADS | — | — | — |

*Source:* Haque, M.A., & Mozumder, A.K. (2010). Managing public administration in Bangladesh. In A. Hasanuzzaman (Ed.), *Political Management in Bangladesh*. Dhaka: AHDPH.

The quota system for cadres in promotion to the level of deputy secretaries and above in the secretariat is a prime feature of the promotion system. Table 15.5 presents the qualification criteria for promotion in mid-level and senior-level civil service positions.

Performance appraisal and promotion, though integral in establishing the right incentive for civil servants, are more often than not loosely linked in the context of Bangladesh. Promotion policy is made on an *ad hoc* basis by the government allegedly to serve narrow political interests. It therefore cannot be said for certain that a civil servant who has a good cumulative score in ACR and who fulfills seniority requirement will get a promotion. Low validity and reliability of the ACR make this problem even worse. As a result, each time the government gives promotion to civil servants, allegations are made of politicization in favor of the partisan and low-caliber candidates and depriving deserving candidates. The honest and efficient civil servants under such

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a promotion system are left with three possible outcomes: (1) they will accumulate frustration and consequently will be less productive; (2) they will discard honesty and engage in immoral administrative politics to secure their interest; or (3) less likely, they will behave selflessly and uphold their honesty and efficiency as before.

The principle of promotion to rank instead of service grade (i.e., broad-banding of grades) also creates problems for efficient civil servants. As we said earlier, Bangladesh has a sizable bureaucracy, with most civil servants serving at the bottom and middle levels. Therefore, the scope of promotion gradually reduces at levels where civil servants undertake important managerial and policy positions (grade VI and higher). If there are no vacant posts in grade V, deserving candidates of grade VI have to wait for a long time for promotion until sufficient vacancies are created in grade V. This technical glitch provides the wrong incentives to civil servants: either they all engage in the rat race of administrative politics to get promotion to scarce vacancy, or they deliberately underperform, as there is no incentive for better performance.

Promotion is a contentious issue in the BCS. Every civil servant feels that he/she is fit for but has been denied promotion. There is little disagreement in the civil service with regard to criteria and strategies of promotion. The major complaint of civil servants is that in many cases, in practice, the criteria of promotion are not followed to unduly reward loyalists to the political party in power. This creates resentment and encourages partisan affiliation in the civil service. Reservation of posts for a particular cadre BCS (administration) is strongly disliked by members of the other 27 cadres. This is a bad omen for the civil service as a whole. Also, it is widely subscribed across the civil service that the ACR is not an appropriate tool to judge the suitability of civil servants for promotion, and hence it is to be either replaced altogether or modified drastically.

## 15.4 Salary and Benefits

The BCS is one of the lowest-paid services in the world despite the fact that the government spends a significant amount on the salary and benefits of civil servants. During the last decade, average spending on salary and benefits consumed 17.3% of the total budget and 3.6% of the gross domestic product (GDP). The expenditure on the civil service of this scale is not high compared to African, Asian, and OECD countries, which have 6.7%, 4.7%, and 4.5% average GDPs, respectively (World Bank 2010). However, the performance of the civil service is really a problem in Bangladesh given the fact that people in general are dissatisfied with the government services, and government officials are engaged in large-scale official corruption.

Salary and benefits of BCS are divided into basic pay, allowances (e.g., rent, medical, and conveyance), pension, gratuity and provident fund interest. Table 15.6 shows a breakdown of government expenditure on different items of salary and benefits in fiscal years 2011–2012. Table 15.6 shows that the government spends much on the static components of salary, such as allowances, pension, and gratuities, compared to dynamic aspects, such as the real pay and performance incentives.

Equity has been given preference over merit in designing the salary structure of BCS. As a result, the compression ratio between the highest and the lowest salary ratio reduced to 1:10 in 2009 from 1:46 in 1962. As a result, lower-level public sector jobs have become more lucrative than middle- and higher-level jobs due to their respective salary differentials with comparable private sector jobs. There is no recent study on comparative salary differential between public and private sector jobs. However, a comparative study on salary of public and private industrial enterprises conducted by Absar et al. (2010) found that private enterprises pay a significantly

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**Table 15.6 Breakdown of Public Expenditure on Salary and Benefits**

| *Salary and Benefits Items* | *Allocation (in Taka Thousand)** |
|---|---|
| Pay of class I and II officers | 22,027,476 |
| Pay of class III and IV officers | 92,229,544 |
| Allowances | 103,532,045 |
| Provident fund interest | 16,000,000 |
| Pension and gratuity | 49,697,919 |
| Total | 283,486,984 |

*Source:* Finance Division, Ministry of Finance, Government of Bangladesh.

*$1 = 80 Taka

higher salary than the public sector. Mukherjee et al. (2001) found that senior officials in the private sector earn seven times more than the senior officials in the public sector in Bangladesh. Such wage differential is four to six times for the mid- and junior-level officials of the private and public sector. The same study also found that the government salary in real terms decreased 87% at the highest level and 43% at the lowest level since 1971. Poor salary structure of this kind might have two implications. First, more eligible and highly qualified job seekers will be unwilling to choose the public sector as a career, and second, government employees will increasingly resort to corrupt practices to maintain their desired living standard.

At present, there are 20 salary grades in BCS. Top nine grades are for class I officers. Class II officers are placed between grades X and XIV, class III employees are in grades X and IX, and class IV employees are in the last three grades (XIII, XIX, and XX). Each grade (except grade I) includes a pay scale consisting of basic salary and time scales for yearly increment. Each employee gets a yearly increment at the end of a financial year irrespective of performance assessment. If an employee reaches the highest point of a pay scale, he/she might get an efficiency scale if the higher authority is satisfied with his/her performance. For example, they might get a salary of the next higher grade, if they fail to get a promotion and fulfill minimum years of service in the current grade. Such pay policy only results in inefficiency, as this creates pressure on the higher authority to increase the number of selection grade/time scales for officials who are not performing at their best. Another technical flaw of the current pay structure as reported by the World Bank (1996) is the nontransparent administration of considerable non-monetary benefits, such as use of vehicles and telephone services. Though take-home pay of government officials is low, the non-monetary benefits are higher compared to the private sector. Often such non-monetary services are given in a non-transparent manner that increase government expenditure but do not add to any significant value in performance.

Low salary of civil servants has several negative consequences. First, in recent years, because of low salary and other benefits, it is becoming increasingly difficult to attract the best and the brightest to the civil service. Highly qualified young men and women are opting for careers in multinational organizations and an expanding private sector where salary and benefits are much higher and opportunities for upward movement much greater. Second, a significant number of highly qualified civil servants with varying years of service are leaving the civil service for jobs in multinational organizations, international and big national nongovernmental organizations,

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consultancy assignments with donor agencies, and private universities. They are usually paid two to three times their present salaries and benefits. Third, this failure to attract the best and the brightest in the civil service, as well as the failure to retain meritorious, competent, and qualified mid-ranking and senior civil servants, has two clear negative impacts on productivity and morality. On the one hand, much-needed competency as a desired virtue is being increasingly lost. Temptation to indulge in corruption among civil servants increases in order to maintain the lifestyle they desire.

## 15.5 Relationship with Politicians

Bangladesh inherited a politically neutral civil service that was supposed to serve any government regardless of which political party was in power. This apolitical texture of the service has, however, been gradually tarnished. Each ruling party influenced the civil servants to establish monopolistic control over policy formulation and implementation. Ambitious civil servants also allowed politicization to get faster progress in their career (Institute of Governance Studies 2009). Many powerful civil servants almost immediately after their retirement join either of the two major political parties and begin their political career.

Unfettered politicization of administration has severe implications on civil service management. First, civil servants who can prove loyalty to the ruling party get quick promotion regardless of their eligibility and posting to lucrative and powerful offices. Second, civil servants who are believed to be loyal to the opposition political party are punished through forced retirement, posting to unimportant offices, or making them officer on special duty (OSD); that actually means officer without any office or responsibility. Consequently, lack of professional trust is widespread in the BCS. Civil servants who get favor of the ruling party are believed to be even ready to rig the national and local-level elections in connivance with the ruling regime to make sure that their career is secure. On the contrary, civil servants who are politically victimized by the government sabotage the government policies and programs with the hope to bring change of the regime.

Honest civil servants usually have to go through the very difficult situation. The classic Pabna case is a recent example that proves how much it is unrewarding to be honest and dutiful civil servants. Pabna is an important administrative district of Bangladesh. The local member of the parliament (MP) from the ruling party repeatedly created pressure on the deputy commissioner (DC) to recruit his party men in the district administration. The DC refused to give in to the pressure and arranged for a competitive selection test. On day of the test, the party men of the MP vandalized the test venue and physically abused the officials of the district administration. Instead of handing down punishment to the MP's men, the government withdrew the DC, Superintendent of Police (SP), and additional deputy commissioners of Pabna and made them OSD* (*The Daily Star*, September 29, 2010).

## 15.6 Status of the Civil Servants

During the British colonial period, civil servants enjoyed a very high status. They were recruited through highly competitive examinations from the elite class of the society. These officers had to go through rigorous training and enjoyed power, prestige, and high salary. During those days,

* OSD is considered a punishment in the administration. This refers to officers who have no office, as they have been withdrawn from their offices by the government.

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very few professions were comparable to civil service jobs. But things started to change after the creation of Pakistan in 1947; the reservation system was introduced in order to bring about parity in the number of civil servants among component provinces. However, things drastically changed after the creation of Bangladesh in 1971. Through the introduction of the quota system and progressively widening of its sphere, the emphasis became more on representation than merit in civil service recruitment. The number of civil servants also increased significantly. After the introduction of the market economy in the 1990s, the role of government began to gradually diminish. Many sectors of the economy were deregulated, which reduced the domain of the civil servants. Moreover, tremendous expansion of the private sector created more well-paid jobs that attracted the best and the brightest young men and women. As a result, many market-based jobs outpaced civil service jobs in terms of salary and merit. Low quality of the civil service, along with its corrupt image, reduced its social status further. However, this does not mean that the civil servants at present have low status. They are still highly regarded in the society but not as high as in the colonial and Pakistan periods.

Jahan (2006) conducted a perception survey on various aspects of the status of civil servants. The study shows that 72% of the respondents think that the attitude toward the civil service has deteriorated over the years. Prospective job seekers mostly hold negative attitudes toward the civil service since they think the service is corrupt and politicized. The study also finds that 26% respondents believe that civil servants are the most powerful group in the society. One interesting finding of this study is that prospective candidates from rural backgrounds are more willing to choose the civil service as a career than are their urban-raised counterparts. This might imply that the civil servants are more highly regarded in the rural areas than the urban ones. This might be because well-educated and high-salaried job holders usually live in urban areas. Citizens' perception about civil servants in general is that they are corrupt. The nature and extent of corruption varies depending on the position of the civil servants in the bureaucratic hierarchy and the opportunities to indulge in corrupt activities and practices (Khan 2009).

## 15.7 Recent Reforms

Civil service reform is a long-standing dilemma in Bangladesh. Reforms that have been implemented since independence are mostly routine and procedural ones, keeping the basic structure and processes of civil service management intact to pre-independence period. Two successful reform efforts resulted from the recommendations of two reform bodies' reports. These bodies are P&SC (1977) and Committee for Administrative Reorganization and Reform (CARR) (1983). The recommendations of the former led to the establishment of functional cadre services and pay scales. The latter's recommendation resulted in the devolution of civil servants working in nation-building agencies at the subdivision level to local elected government. Interestingly, both reforms materialized during two dictatorships, giving the impression that democratically elected governments are either incapable of or simply unwilling to bring major reforms. The success of military regimes in bringing civil service reforms did not result in marked improvement in civil service performance. The P&SC was considered successful in amalgamating central and provincial government officials of the pre-independence period into a single central civil service with consistent levels of grades and pay for different positions across the hierarchy. It did not alter the structural features of colonial bureaucracy, that is, cadre and class, along with administrative processes of performance assessment, promotion, and discipline. The effort of CARR, though, was a break from the tradition of rigid central control of all local-level activities; it did not sustain

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for a long time, as the devolutionary scheme was dismantled in 1992 by the then-democratically elected government. This lack of sustainability of reform efforts with the change in government further reinforces the status quo. Here, we will discuss four recent reform efforts that achieved some success amid this anti-reform political and administrative environment.

The first case is the reform of the BCS cadre recruitment process. The cadre recruitment system had a poor image due to its lengthy and often corrupt procedures. The time cycle for single batch recruitment was more than 2 years (Ministry of Public Administration and UNDP 2008). As a result, meritorious candidates were increasingly disillusioned about pursuing a civil service career. In 2007, the BPSC simplified its civil service application rules and cross-checking of application forms. It also introduced a 50% marks deduction for each wrong answer in the preliminary MCQ test. The commission started setting a cut-off point instead of a pass mark in the preliminary test so that a small percentage of candidates who appeared for the preliminary test would be eligible for the written test. As a result, the cycle time has now been reduced to 1 year. Moreover, the commission has also been successful in announcing the BCS cadre recruitment vacancies in the beginning of each year on a regular basis, which also gives a sense of predictability among the potential candidates. To increase the transparency in the test process, the commission introduced a scrutiny system of the written examination that permits a candidate who appeared in the written test to scrutiny his/her marks. This practice has also helped increase transparency of the process.

Public Administration Training Policy 2003 has also had some success in increasing training utilization. This policy, among others, streamlined foreign training by requiring establishment of an inter-ministerial committee in MOPA for distribution of foreign training opportunities among different ministries and agencies. For the first time, the policy also requires each ministry/agency to prepare an annual training plan based on training need assessment. To increase utilization of training, the policy requires post-training placement of a trainee to a post related to the training and continuation in that post for at least 1 year before his/her next posting. The Career Planning Wing (CPW) of the MOPA is responsible for developing career progression of all mid-level civil servants based on their past training and eligibility for future training. However, no empirical study has been conducted so far to assess the extent to which the policy is adhered to by the government agencies and benefits it generated.

In 2006, the government started an incremental reform project titled Managing at the Top 2 (MATT2), with financial and technical assistance from Department of International Development (DFID), United Kingdom. The project's ultimate goal has been to create reform-minded senior and mid-level bureaucrats who are capable of designing and implementing complex administrative changes. It has been assumed that the project would produce a critical mass of leaders in the administration who will facilitate future reforms. Senior and mid-level bureaucrats selected for the project each year would go through intensive training both at home and abroad. After completion of training, they would be divided into different groups, and each group would have to come up with an incremental reform proposal that would address service delivery or other performance-related problem. Each group would have their own mentors who used to be secretaries for the Bangladesh government and trainers to help them design and implement the proposed incremental intervention. Secretaries and higher officials of different ministries would be invited to meetings to discuss particular service delivery/performance-related problems with MATT groups. Such interaction with top administrators earned political and administrative support for MATT groups. One successful intervention designed by MATT2 was the decentralization of the passport delivery system through post offices. This significantly reduced delivery time and queues for getting passports. MATT2 is expected to train 300 civil servants annually and 2,000 civil servants by 2013 (Majeed 2011).

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The most notable recent reform effort perhaps is the enactment of a Draft Civil Service Act in 2011. Despite Article 133 of the Constitution of Bangladesh, which provides for a legislation to regulate appointment and service conditions of the civil service, successive regimes ignored this constitutional obligation allegedly to abuse the state administrative machinery for partisan political purpose. Among other important issues, the Draft Act clearly distinguishes the term *civil service*, involving only class I and II employees. In the past, all public employees, whether they were in public enterprise or primary schools, were part of the civil service. The current definition will approximately include only 10% of government employees as civil servants; that will surely make career management and reform much easier and sharply focused. Instead of class-based grouping of positions, the Draft Act classifies positions into three job families in terms of salary grade: superior (grades 1 and 2), senior (grades 3 to 9), and junior (grades 10 to 12). Instead of following the current closed cadre career, the act requires clustering of government ministries according to the nature of their functions and includes a number of cadres into a specifically related cluster. Officials of all clustered cadres will have relatively open careers along different positions in the ministries of that particular cluster. As the law is still being drafted and is not yet implemented, no comments can be made about its effectiveness for improving the civil service performance.

### *15.7.1 Barrier to Reforms*

Since independence, 17 reform committees and commissions have been formed, giving the impression that there is no lack of enthusiasm on the part of successive governments to bring about administrative reforms. Development partners like the World Bank, UNDP, USAID, DFID, and Asian Development Bank also prepared many field-based consultancy reports on civil service reforms. In reality, marginal progress has been made in the implementation of major reforms. Some of these reforms are minor adjustments intended to maintain system equilibrium. Khan (1998, 2007) identified, among others, two basic reasons for major reform resistance. These are lack of political commitment and bureaucratic resistance to reform. The government in power often forms a reform committee/commission to give the impression to development partners that it is serious about reforming the governance system of the country. This is usually done to ensure the regular flow of aid rather than because of genuine intention to bring about meaningful changes. It is also not rare that commissions are formed by the ruling regime to reward loyal retired civil servants with lucrative posts in such bodies (Khan 2007). Khan (1991) also convincingly argued that ruling regimes, especially military governments, sometimes orchestrate reforms to realize their ambitious political goal of legitimizing their regimes. The question is why political governments are unwilling to bring about genuine reforms. It is believed that political regimes are one of the beneficiaries of the existing administrative system that allows them to use administrative apparatus to nourish their patron–client chain across the political ranks and file. Moreover, political parties always consider immediate electoral gains while implementing programs. Programs with immediate and concrete outcomes are favored over radical administrative reforms, which usually take a long time for citizens to reap benefits. In Bangladesh, governments are elected for 5 years, of which the last 2 years are spent in crisis management. This 5-year time period also proves insufficient for the government to materialize visionary reforms.

Bureaucracy's resistance to reform is the other major impediment to reform. The BCS has been developed as a powerful and institutionalized interest group in the society since colonial days. Any reform that attempts to reduce its power, prestige, and status is opposed in an organized and systematic manner (Khan 1998). Abolition of the Senior Services Pool (SSP) in 1989

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is a good example of bureaucratic resistance to reform. SSP was introduced in 1979 based on the recommendation of the P&SC report aimed at developing a pool of talented mid-level civil servants from all cadres for staffing important administrative and policy-level positions. It was conceptualized as an open elite cadre accessible only subject to successfully passing a competitive examination. The BCS (administration) cadre (one of the 28 cadres of BCS) that was supposed to fill all policy-level and other important administrative posts before did not like this reform measure as it considered SSP as an encroachment of other cadres into its "rightful" domain. Other cadres also were unhappy with this new scheme as they thought the competitive examination and quota system designed for entry into the SSP was biased in favor of BCS (administration). They felt that their interests were threatened with the introduction of SSP; both the administration cadre and other 27 cadres opposed the scheme, and consequently it was abolished. Many obvious reform needs are bypassed in order to retain the administrative empire of respective government agencies. Khair mentioned the case of the lengthy leave application process of field officers who are stationed at the districts and subdivisions; they have to send their application to the concerned ministry through each step of the administrative hierarchy for getting their leave approved (Schalkwyk 2009). This process could be easily simplified by delegating routine personnel tasks to field agencies. However, ministries are unwilling to undertake even this simple reform to retain their control over personnel affairs.

Risk avoidance is another major hindrance to reform. Both politicians and bureaucrats are afraid to make mistakes while attempting to reform and this might negatively affect their careers. Politicization poses an even bigger risk for the senior officials. Civil servants who might actively promote change under one regime are branded as the supporters of that regime by the opposition political parties, and with the change in regimes, these reform-minded officers get punished (Majeed 2011).

## 15.8 Conclusion

Bangladesh inherited and continued with cadre- and class-based civil service amid growing demand for major and radical transformation to suit development challenges. During the British and Pakistan periods, the young and the talented coveted for a civil service career, as there was not much scope in the private sector. At present, with a thriving private sector offering highly rewarding career prospects, the same attraction toward civil service is no longer there. Also, the recruitment, selection, promotion, and career management of the service are not well designed or properly managed. There is hardly any incentive for good performance. Many reform committees/commissions were formed and all of them proposed measures to overcome these problems. But the ultimate result is the continuation of a reform-resistant civil service allowing only marginal adjustments in its work methods and procedures. A vicious cycle of political apathy and bureaucratic resistance continue to impede major reform efforts in Bangladesh.

## References

Absar, M.M.N., Sikder, Z.H., Nimalathasan, B., & Bhuiyan, M.M. (2010). Employee compensation practices in industrial enterprises of Bangladesh: A public-private sector comparison. *Petroleum-Gas University of Ploiesti Bulletin*, Vol. LXII, no. 4, pp. 1–11.

BPSC. (2005). *Bangladesh Public Service Commission Report 2004*. Dhaka: Bangladesh Public Service Commission.

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Haque, M.A. (2010). Employee performance assessment in Bangladesh Civil Service, paper presented in the Annual Conference of Social Science Faculty of Jahangirnagar University, Bangladesh in July 2010.

Haque, M.A., & Mozumder, A.K. (2010). Managing public administration in Bangladesh. In A. Hasanuzzaman (Ed.), *Political Management in Bangladesh*. Dhaka: AHDPH.

IGS. (2009). *The State of Governance in Bangladesh 2008*. Dhaka: Institute of Governance Studies.

Jahan, F. (2006). *Public Administration in Bangladesh*. CGS Working 1. Dhaka: Institute of Governance Studies.

Khan, M.M. (1980). *Bureaucratic Self-Preservation: Failure of Major Administrative Reform Efforts in the Civil Service of Pakistan*. Dhaka: University of Dhaka.

Khan, M.M. (1991). *Politics of Administrative Reform: A Case Study of Bangladesh*. New Delhi: Ashish Publishing House.

Khan, M.M. (1998). *Administrative Reforms in Bangladesh*. New Delhi: South Asian Publishers.

Khan, M.M. (2007). Public administration reform in Bangladesh: Incremental changes, reform resistance and lack of political will. In D. Argyriades, O.P. Dwiredi, & J. Jabbra (Eds.), *Public Administration in Transition: Essays in Honor of Gerald E. Caiden*. London: Vallentine Mitchell, pp. 91–106.

Khan, M.M. (2009). *From Government to Governance: Expanding the Horizon of Public Administration to Public Management*. Dhaka: University Press Limited.

Majeed, R. (2011). Energizing the civil service: Managing at the top 2, Bangladesh, 2006–2011. This case is included in Innovation in Successful Societies of Princeton University. Available at http://www.princeton.edu/successfulsocieties.

Maniruzzaman, T. (1980). Administrative reforms and politics within the bureaucracy in Bangladesh. In M.M. Khan & H.M. Zafarullah (Eds.), *Politics and Bureaucracy in a New Nation Bangladesh*. Dhaka: Center for Administrative Studies.

Ministry of Establishment, Government of Bangladesh. (2009). *Statistics of Civil Officers and Staff*. Dhaka: Ministry of Establishment, Government of Bangladesh.

Ministry of Public Administration and UNDP. (2008). *Role and Capacity of Bangladesh Public Service Commission*. Dhaka: UNDP.

Mukherjee, R., Gokcekus, O., Landell-Mills, P., Manning, N., & Kapoor, K. (2001). *Bangladesh: The Experience and Perception of Public Officials*. Washington, DC: World Bank.

Salvatore, S.-C., de Tommtso, G., & Mukherjee, A. (1997). *Government Employment and Pay in Global Perspective: A Selective Synthesis of International Facts, Policies and Experience*. World Bank Policy Research Working Paper No. 1771. Washington, DC: World Bank.

Schalkwyk, A. (2009). Interview of Dr. Rizwan Khair of Institute of Governance Studies Bangladesh. Innovation for Successful Societies. Available at http://www.princeton.edu/successfulsocieties/content/data/oral_history/G2_Rizwan_Khair_id207/Rizwan_Khair.pdf.

World Bank. (1996). *Bangladesh, Government That Works: Reforming the Public Sector*. Dhaka: World Bank.

World Bank. (2010). *Bangladesh: Public Expenditure and Institutional Review*. Report No. 47767-BD. Dhaka: World Bank.

Zafarullah, H., & Khan, M.M. (2005). *The Bureaucratic Ascendency: Public Administration in Bangladesh: The First Three Decades*. Dhaka: AHDPH.

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# *Chapter 16*

# e-Government in Bangladesh: The Dawn of Citizen-Centric Public Administration?

Noore Alam Siddiquee

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## 16.1 Introduction

Despite impressive progress recorded in economic and social development in recent years, Bangladesh performs poorly in terms of most governance indicators. The decades of public sector reform and other measures appear to have done little either to improve the delivery of public services or to brighten the image of service providers. The public service is grappling with a multitude of problems. It is anything but efficient. Lack of accountability and transparency, bureaucratic inflexibility, red tapism, nepotism, and cronyism are some of the perennial challenges of the public sector. Another manifestation of poor governance is Bangladesh's failure in combating corruption believed to be widespread in the society. Currently Bangladesh not only performs poorly among the developing countries, but its ranking is unsatisfactory compared with most South Asian nations. It is this poor governance that is often identified as a formidable barrier to the goals of poverty reduction, social equity, and sustainable development.

The advent of e-government has offered enormous prospects for changing all this. Seen as a revolution in public administration, it represents a solution to many of the perennial problems of the public sector. It promises not only to improve efficiency in service delivery, but also to promote transparency and accountability, thereby reducing corruption and mismanagement in public governance (Bhatnagar 2004; OECD 2003). In addition, it is believed to promote innovation in delivery of public services, offer increased flexibility in the service use, and foster people's participation and empowerment (UN 2008). In developing countries, e-government has assumed an additional significance: it is expected to help eradicate poverty, boost national economic growth, reduce bureaucratic complexity, and establish good governance (Faroqi and Siddiquee 2011). Thus, it is not surprising that e-government has become a key component of public sector reform in Bangladesh, as elsewhere around the globe. Since the adoption of e-government as a policy issue in late 1990s, Bangladesh has seen a variety of initiatives for the development of information and communication technology (ICT) that seek either to improve internal efficiency of the government agencies or to enhance external delivery of services to the citizens or both. It has become an element of major policy documents formulated and implemented ever since. The Poverty Reduction Strategy Paper has identified ICT as an indispensable tool for fighting poverty and achieving the Millennium Development Goals (MDGs). While enthusiasm for e-government is widespread and a variety of programs are currently underway that offer endless opportunities and prospects for the future, especially in terms of developing an efficient, accountable, and citizen-centric public administration, in a developing country like Bangladesh, the road to e-government is not without difficulties and challenges. As a matter of fact, a large number of countervailing forces and barriers thwart and undermine the prospects of e-government to a large extent.

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This chapter focuses on Bangladesh's journey to e-government. It seeks to provide a comprehensive account of e-government, highlighting major developments, the forces behind them, progresses achieved, and current challenges. It is structured as follows: It begins with a brief note on the evolution of e-government and the major phases in its development. Section 16.3 focuses on the institutional and legal framework of e-government, outlining the key institutions and policies that help shape e-government and its implementation. Section 16.4 reviews the current state of e-government, highlighting some major e-government programs and their impacts. Section 16.5 examines e-government at local levels. Finally, section 16.6 summarizes some of the constraints and challenges of e-government in Bangladesh.

## 16.2 The Evolution of e-Government in Bangladesh

Even though development of an efficient, transparent, and accountable system of administration has been a recurrent theme of all reform initiatives and the application of science and technology has been emphasized in various policy documents ever since Bangladesh gained its independence in the early 1970s, e-government did not find expression in the government policy discourse until the late 1990s. In fact, the ICT revolution and growth of e-commerce elsewhere had hardly brought about any changes in Bangladesh due mainly to the failure of national leadership to appreciate the emerging trend and its implications locally. Thus, the initial period was characterized by what could be termed as a combination of lack of interest, confusion, and neglect on part of political and administrative leadership. After initial periods of confusion and inaction, the first concrete step toward e-government was made by the Awami League government following its assumption of power in 1996. It agreed to connect the country with the information superhighway, designated ICT as a thrust sector, waived taxes on computers and computer accessories, and formed a task force with the prime minister as its head. All this marked the beginning of Bangladesh's journey toward e-government. Following the political change in 2001, the new government continued the drives initiated by the previous regime. The formulation of ICT Policy, 2002, was among significant moves made during 2001–2005. However, in the absence of coherent vision and well-designed strategies, various agencies initiated and implemented e-government programs in an isolated and uncoordinated fashion. e-Government programs suffered from lack of clear guidelines and strong institutional and leadership support. During 2007–2008, the nonparty caretaker government sought to address some of these problems and launched new programs to spread ICT throughout the country. The incumbent Awami League government that assumed power in 2009 made e-government a priority. In line with its election manifestos, the new government introduced a charter of change with Digital Bangladesh as an integral component of its Vision 2021. Conceived and implemented under the United Nations Development Program (UNDP)–funded Access to Information (A2I) program, Digital Bangladesh represents the cornerstone of e-government in Bangladesh. This has been followed by a more comprehensive, sustained, and robust approach to e-initiatives, with emphasis on citizen-centric service delivery. Broadly, e-government development in Bangladesh can be divided into three phases.

### *16.2.1 Infrastructure Building Phase (1990–2005)*

Starting in the late 1990s, this phase entailed the development of ICT infrastructure and automation of existing governmental processes seeking to enhance efficiency of service provision. Driven by a combination of a strong desire of the new political leadership and increasing pressures from the private sector and the members of public, among others, this period saw a number of concrete steps,

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which effectively started off the process of e-government development in Bangladesh. Initially, the position of the public bureaucracy was one of indifference, if not overtly opposed, to the idea of e-government. The reluctant bureaucracy held the notion that the adoption of modern technology would reduce manpower and render many posts redundant, and therefore encouraged maintenance of the *status quo* out of fear of losing its supremacy over government administration (Hasan 2011). But it was the political leadership that swayed bureaucracy to embrace ICT in general and e-government in particular through some bold steps. These include mass computerization in public agencies, use of IT in government in a more systematic fashion, and the waiver of taxes on computer and computer accessories to facilitate the growth of ICT sector. The benefits of early initiatives like automation of railway ticketing system, personnel management database of the Ministry of Establishment, and the automation of the Bangladesh Bureau of Educational Information and Statistics (BANBEIS) were encouraging. The government was keen to expand the benefits of ICT even further.

The government's seriousness about ICT was reflected when ICT was designated as the thrust sector in 1997, which was followed by a block allocation of $6 million in the 1997–1998 annual budget toward supporting the development of ICT. Other important developments include the formulation of the National ICT Task Force, with the prime minister as its head, and the Support to ICT (SICT) Task Force, with the aim of identifying and implementing e-government projects in general and assisting the implementation of decisions of the National ICT Task Force in particular. Composed of representatives of the government ministries, the private sector, academia, and nongovernmental organizations (NGOs), the SICT was responsible for providing overall direction concerning the application of ICT in administration to improve governmental efficiency, enhance the quality of services, and advance public welfare by extending public services even to the most remote areas. The prime minister's office became the focal point of the task force, and the Planning Division provided the secretarial support to it. The SICT (2008), as the implementation arm of the National ICT Task Force, has not only provided funding for technical assistance to line ministries but also has played an important role in conceptualizing and implementing major e-government schemes. It is also during this time that a major piece of legislation, the ICT Policy, was enacted (2002). This policy focused heavily on ICT infrastructure building, process automation, and fostering an enabling environment. As there was no legislation specifically focusing on e-government, it served as the *de facto* e-government policy for much of the decade. While the emphasis was clearly on infrastructure development and process automation, institutional and policy developments (as outlined above) helped provide a clearer and somewhat coordinated direction to ICT development efforts than they provided earlier. A number of private institutions, including the Bangladesh Computer Council (BCC), provided crucial support in matters of infrastructure development, technical assistance, and capacity building of e-initiatives.

### *16.2.2 Isolated e-Services Phase (2006–2009)*

With the launch of the Access to Information (A2I) program in 2006, a new phase of e-government development began. Located in the prime minister's office (2010) and supported by the UNDP, the A2I program has played a catalyzing role in promoting people-centered approach to e-government. Series of workshops and seminars organized under the A2I program have led to identification of a large number of citizen services* for implementation at various levels. This has

* In 2008, the Secretaries' Workshop under A2I has identified 53 "quick win" projects, one in each ministry/division. Another 64 e-citizen services have later been identified by the deputy commissioners for implementation (BIS, 2010).

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also encouraged various ministries and divisions of the government to initiate and implement a range of e-government programs aimed at offering enhanced services to their respective clients. The military-backed caretaker government that was in power during 2007–2008 was highly supportive of the e-government agenda: it played a vital role in successfully implementing Web initiatives and augmenting capacity and awareness at various levels. While all this marked a shift from infrastructure building toward delivery of services using ICT, programs remained largely isolated and limited in scope. Efforts made to improve the access were hardly adequate to overcome a range of challenges and constraints encountered by citizens.

### *16.2.3 Integrated and Transactional Services Phase (2010–Onward)*

Since 2010, the provision for integrated/connected and transactional services has been the goal of e-government in Bangladesh. The Digital Bangladesh agenda involves a digitized government, ICT-enabled services, nationwide Internet connectivity, high-tech parks for businesses, and IT-trained professionals. In more specific terms, the Digital Bangladesh agenda consists of four pillars: (1) developing human resources suitable for the demands of the twenty-first century; (2) connecting citizens in meaningful ways; (3) taking services to the doorsteps of the people; and (4) making the private sector more productive and competitive through the use of ICT (GoB 2009a). Although the drive for infrastructure development continues in view of the country's overall infrastructure situation, currently emphasis is on fostering integration and expansion of scope for transactional services. Numerous programs and projects (as shown later) are being implemented toward realizing the vision.

## 16.3 Driving the Change: Institutional and Legal Framework for e-Government

e-Government is a relatively new phenomenon in Bangladesh. Hence, the institutional, legal, and regulatory framework for e-governance is still evolving. Over the years, the government has sought to develop and strengthen the management structure and necessary laws and regulations that serve as the building blocks of e-government. This section reviews important policies and institutions involved in the implementation of e-government and the nature of their roles and involvement. First, we focus on the key institutions that have been charged with the task of steering the e-government agenda. This will be followed by various laws and policies that outline the national vision for Digital Bangladesh.

### *16.3.1 Leading Institutions and Their Roles*

e-Governance being a government-wide phenomenon, virtually every public sector agency has some involvement in the process of its implementation. However, as a major policy issue of the government and as a strategic drive for promoting socioeconomic development, a number of public sector agencies have assumed vital roles in the design and implementation of e-government programs.

#### *16.3.1.1 e-Government Cell, Prime Minister's Office*

At the apex of the institutional framework for e-government in Bangladesh is the prime minister's office (PMO), which provides stewardship of the Digital Bangladesh program. The e-government

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Cell established within the PMO provides policy directives and guidelines for the implementation of e-government programs, including oversight and coordination of such initiatives. In other words, the Cell is responsible for the preparation and implementation of e-government vision, strategic goals, flagship projects, and the development of blueprint of ICT infrastructure, both physical and legal/regulatory in nature. The A2I program established in 2006 provides technical assistance to the Cell. It assesses the suitability of e-initiatives in light of national priorities and supports the new projects for ICT application. With its extensive policy advice and project intervention, A2I has become the *de facto* hub of Digital Bangladesh, especially in matters of strategy development, planning, and technical assistance (PMO 2010).

#### *16.3.1.2 National ICT Task Force*

Another leading player in the development of e-government is the National ICT Task Force (NTF). Chaired by the Prime Minister, the NTF is responsible for mainstreaming ICT throughout the public sector. With the introduction of Digital Bangladesh, the task force was restructured to be known as the Digital Bangladesh Task Force (DBTF). The high-powered DBTF represented by all stakeholders, including the government, private sector, and civil society, is responsible for monitoring milestones in the implementation of Digital Bangladesh agenda and advising the government on policy matters and means of achieving goals (IGS 2009). The principal secretary to the prime minister chairs the executive committee of the task force and is responsible for implementing its directives and other policy decisions.

#### *16.3.1.3 Ministry of Science and Information and Communication Technology*

The role of the Ministry of Science and Information and Communication Technology (MoSICT) is vital. It is primarily responsible for the development of infrastructure and human resources for successful application of ICT. It also formulates ICT policies and oversees their implementation. Given that one of the responsibilities of the ministry is to support the overall socioeconomic development of the country through research, development, extension, and successful utilization of science and technology (including ICT), it has undertaken and implemented variety of programs, including establishment of computer training centers to impart ICT-related knowledge and skills to government employees as well as members of the public.

The BCC, an autonomous agency established in 1990, provides technical assistance to the MoSICT. It is responsible for, among others, computerization, promotion of IT education and training within the public sector, and offering advisory services to various government agencies and autonomous bodies. In a sense, BCC serves as a prime mover in matters of the ICT development in the country. Over the years, it has implemented numerous programs to advance the use of computers and IT, to enhance the skills in IT, and to promote IT-based export business.

#### *16.3.1.4 Ministry of Post and Telecommunications*

The development of telecommunications infrastructure is the responsibility of the Ministry of Post and Telecommunications (MoPT). It lends critical support to e-government by promoting the growth of telecommunications sector commensurate with emerging demands and needs. It is

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also entrusted with the responsibility to regulate the general policy of the government in areas of post and telecommunication matters.

While the ministry is responsible for the overall development of the telecommunications sector, Bangladesh Telecommunications Company Limited (BTCL), a public limited company under the ministry, has been mandated to provide basic telecommunications services throughout the country. It (formerly the Bangladesh Telegraph and Telephone Board, BTTB) provides landline telephones and domestic as well as international call services. Likewise, the Bangladesh Telecommunications Regulatory Commission (BTRC), an autonomous body established under the ministry in 2002, is the licensing authority that regulates telecommunication service providers, both fixed line and mobile phones throughout the country. In fact, the role of BTRC is of considerable significance given that besides issuance of various licenses (e.g., broadband wireless access service, international gateway service, call centers, and VSAT), it is responsible for authorization of bandwidth among various operators, and the formulation of broad guidelines and policies for telecommunications industry. It is also responsible for promoting ICT application through, among others, oversight of the very small aperture terminal (VSAT) operators and Internet service providers, the development of digitization schemes, and regulation of tariffs and standards (BTRC 2009).

### *16.3.1.5 Other Ministries and Agencies*

The other ministries that play a critical role in e-government include the Ministry of Planning; Ministry of Finance; Ministry of Information; and the Ministry of Law, Justice and Parliamentary Affairs. The Ministry of Planning serves as the secretariat of the DBTF. It prepared the National ICT Action Plan. Support from the Ministry of Finance is pivotal in that it incorporates e-government strategies in the annual budget, allocating necessary resources for the purpose. The 2009–2010 budget outlined the vision of Digital Bangladesh with priority attached to building ICT infrastructure—mainly Internet connectivity and telephone coverage for those living in rural areas. The budget envisages to bring Internet coverage to all upazilas (subdistricts) within the next 5 years and introduce compulsory computer and technical education at the secondary level by 2013 and at the primary level by 2021 (Faroqi and Siddiquee 2011). The Ministry of Information is responsible for dissemination of e-government information through electronic and print media; it is also responsible for the implementation of the Right to Information Act, 2009. Likewise, the Ministry of Education and the Ministry of Law, Justice and Parliamentary Affairs are involved in the development of curriculum for ICT education and computerization of schools and the formulation and review of ICT-related laws, respectively. (see Table 16.1)

Besides those above, a number of specialized committees and task forces have been established to facilitate the implementation of e-government. Important among them is the Support to ICT (SICT) Task Force, established by the Ministry of Planning in 2003. Even though currently it stands abolished, it has played an important role by providing administrative and secretarial support to the Task Force in realizing various ICT projects, especially those of e-governance. Another committee, the National Information Management Committee within the Ministry of Planning works for the development of digital citizen's identification card for service delivery purposes. Currently, it is working to ensure technical interoperability across all major service delivery systems. Once completed, this would allow citizens to access services across various agencies in a legally compliant manner; for government, it would permit a unified method of authenticating customer identity and coordinating a range of services to citizens (IGS 2009). The National ICT in Education Task Force chaired by the education minister determines how ICT tools can be used to improve educational skills and quality. The Domestic Network Coordination Committee

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**Table 16.1 Important Public Sector Actors in e-Government**

| *Government Ministry/Agency* | *Responsibilities* |
|---|---|
| Prime Minister's Office (e-Government cell) | Overall policy directions |
| Ministry of Science and Information & Communication Technology | Policy formulation and mainstreaming ICT in the public sector |
| Bangladesh Computer Council | Support MoSICT and provide training as well as advisory services to government and citizens. It also serves as incubator for software companies |
| Ministry of Post and Telecommunications | Develop telecommunication infrastructure and services |
| Bangladesh Telecommunications Regulatory Commission | Regulation of the telecommunications industry and licensing |
| Ministry of Information | Dissemination of information |
| Ministry of Planning | Support DBTF to realize its goals |
| Ministry of Finance | Support the e-government programs with appropriate allocation of funds |
| Ministry of Education | Development of curriculum for ICT education; computerization of schools |
| Ministry of Law, Justice and Parliamentary Affairs | Review of ICT-related laws and policies |
| ICT Task Force/Digital Bangladesh Task Force | Mainstream ICT in the government, advise ministries/agencies, and monitor progress |
| National Information Management Committee | Development of citizen identification card for service delivery purposes |
| National ICT Education Task Force | Advancing educational skills and quality through ICT |

*Source:* Based on IGS (Institute of Governance Studies). (2009). *Digital Bangladesh: The Beginning of Citizen-Centric E-Government?* Dhaka: IGS, BRAC University and other sources.

has been mandated to explore an option to provide high-speed broadband connectivity to Union Parishads and schools across Bangladesh.

Thus, an elaborate institutional framework has been put in place with a view to advance and realize the visions of Digital Bangladesh. Besides those in the public sector, various private agencies, including the Bangladesh Computer Samity (BCS), the Bangladesh Internet Service Providers Association, the Bangladesh Association for Software and Information Services (BASIS), and the Federation of Bangladesh Chamber of Commerce and Industries (FBCCI), as well as the media and civic groups and even international donors, have significant roles in the development of e-government. They advocate broadening of e-government, rendering of expert services, lobbying for appropriate ICT Policy design, and providing training for human resource development (Faroqi and Siddiquee 2011).

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### 16.3.2 e-Government Policies and Legislation

The broad objectives of e-government and associated developments made it imperative that necessary policies and laws are in place. Such policies and laws are crucial given that besides providing the legal basis, they outline governmental vision as well as strategies and operational guidelines. Although the journey began rather recently compared to many other countries, the Government of Bangladesh has formulated and enacted a set of policies and laws that collectively provide a legal framework of e-government.

The National ICT Policy formulated in 2002 represents the first concrete measure that provides a comprehensive outline of the vision of e-government. It set an ambitious goal of building a knowledge-based society by 2006. It had declared that the government shall implement ICT systems to provide nationwide coverage and facilitate access by any citizen to the government databases and administrative systems, which can be used to extend public services to the remotest corners. The policy presented e-government as a strategy for improving efficiency of the government, reducing wasting of resources, enhancing planning, and raising the quality of public services. It also envisaged, among others, the establishment of telecommunication infrastructure nationwide, connecting to submarine fiber optic cable network, extending Internet facility to rural areas, establishing cyber kiosks in post offices, establishing Union Parishad (lowest tier of local government) and Upazila (subdistrict) complexes, setting up an Internet exchange, and increasing the bandwidth capacity and availability (GoB 2002). Thus, it had underscored the spread of ICT in governmental agencies across the country, including ministries, divisions, departments, autonomous bodies, and all district and Upazila headquarters and Union Parishad offices. The policy required each ministry/division to have an ICT unit comprised of ICT professionals and Web sites with policy documents and updated information (Faroqi and Siddiquee 2011).

However, the implementation of the policy was unsatisfactory. A review committee formed in 2008 found that only 8 out of 103 policy directives were either fully or largely accomplished. Among others, the lack of ownership and coordination among implementing agencies and absence of leadership have contributed to the failure of the policy (NICTP 2009). Nevertheless, it had led to the creation of an ICT Cell in each ministry of the government responsible for implementation and coordination of ICT-related programs and activities. In 2006, the government passed the ICT Act aimed at achieving the dual objective of preventing cybercrimes and safeguarding online transactions so as to promote e-commerce. It was also intended to enable electronic filing of documents and the delivery of records (BCC 2009). However, the act could not be implemented in its true spirit as necessary rules and regulations were never introduced (IGS 2009).

With the launch of the Digital Bangladesh, the incumbent Awami League government has promulgated a new ICT Policy that provides an elaborate framework for realizing the visions of Digital Bangladesh. The ICT Policy 2009 envisions the ICT as a tool to bring about "transparent, accountable, and responsible government" (GoB 2009b, 3). It is fairly comprehensive; besides outlining specific objectives and priorities, it has identified over 300 action items for implementation in key sectors of the economy to improve the delivery of services.* It also seeks to develop human resources, enhance social equity, and ensure cost-effective delivery of governmental services to support the national goal of becoming a middle-income country within 10 years and joining the ranks of developed nations within 30 years (GoB 2009b).

* However, this is an ambitious goal in terms of bringing different ministries of the governments together. There are ministries and departments that prefer to make their own strategies and those that resist data sharing and connectivity with others. A 2008 Review Committee found that despite their success, many pilot e-government projects could not be continued due to lack of organic demand within the implementing institutions.

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**Table 16.2 Major e-Government Policies and Laws**

| *Policy/Legislation* | *Objective(s)* |
|---|---|
| Telecommunications Act, 2001 | Facilitate liberalization of telecommunications sector |
| ICT Policy, 2002 | Provide guidelines for development of the ICT sector |
| Internet Connection & Usage Policy, 2004 | Provide a framework for the use of Internet facilities |
| Copyright (Amended) Act, 2005 | Protect intellectual property rights and legalize electronic communication |
| ICT Act, 2006 | Provide legal basis of the ICT |
| Right to Information Act, 2009 | Provide legal entitlement to citizens to seek public information and demand transparency and accountability of public institutions |
| ICT Policy, 2009 | Provide an up-to-date and comprehensive framework for the development of ICT with action plans consistent with Digital Bangladesh vision |
| ICT Act, 2009 | Improve legal structure of ICT by incorporating necessary amendments to the ICT Act, 2006 |
| Broadband Policy, 2009 | Facilitate the growth of high-speed Internet services at an affordable price |
| Telecommunications Act (Amended), 2010 | Update Telecommunications Act, 2001 |
| International Long Distance Telecommunication Services Policy, 2010 | Facilitate low-cost international long distance telecommunication services (ILDTS), including Voice Over Internet Protocol (VOIP) services |

*Source:* Based on IGS (Institute of Governance Studies). (2009). *Digital Bangladesh: The Beginning of Citizen-Centric E-Government?* Dhaka: IGS, BRAC University and other sources.

Another major legislation is the ICT Act 2009. This is, in fact, a slightly modified version of ICT Act 2006, which remained unimplemented. The act provides legitimacy of the electronic records and digital signature. While it is true that the current legal framework of e-government is largely driven by ICT Policy 2009 and the ICT Act, 2009, there are other tools and policy documents that have had a significant bearing on the e-government (see Table 16.2). Collectively, they provide a broad framework of e-governance in the country.

## 16.4 Toward Digital Bangladesh: Some Important e-Initiatives

In realizing the goals and objectives of e-government as outlined earlier, the Government of Bangladesh has initiated and implemented a large number of schemes. In this section, we focus on selected e-government schemes that portray the current state of e-government in Bangladesh and the progress made to date in various spheres alongside current trends and developments.

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### 16.4.1 Web Presence of Government and Forms

Concerted governmental efforts during recent years have resulted in considerable progress toward making government information and services available online. One clear indication is that most government agencies, including ministries, divisions, departments, and statutory bodies, have a Web presence with useful information and contact details. The national web portal of the Government of Bangladesh (http://www.bangladesh.gov.bd) serves as a one-stop access to information and services offered by various agencies and departments. Government Web sites and portals have begun to offer services beyond information dissemination. The prime minister's office has launched a Web site (http://www.forms.gov.bd) that has made virtually all government forms accessible online. This is a significant development in that citizens and businesses are now able to access a variety of forms without having to visit respective offices. This saves time and helps them avoid the hassle associated with visiting various agencies.

### 16.4.2 Digitization of Land Records System

This involves digitization of country's complex and age-old land ownership records that are a source of much corruption and litigation. Following several successful pilot projects, the government decided to spread the benefits of such experiments throughout the country. Currently in progress, this project once completed would drastically reduce the complexities and corruption associated with land administration. This would greatly simplify land administration and put an end to the current practice where citizens need to visit more than 10 different agencies to obtain their records and/or to have them updated.

### 16.4.3 Online Hajj Information Management System

The Online Hajj Information Management system of the Ministry of Religious Affairs is an example of innovation in the area of G2C service. In place since 2002, the portal serves as a source of information to thousands of pilgrims who go to Mecca to perform the Hajj every year. Besides allowing verification of information like their location, health condition, and flight details, the interactive features of the portal allow easy and reliable communication between pilgrims and their relatives.

### 16.4.4 Land Resources Information System

The Agro-Ecological Zone (AEZ) database of the Bangladesh Agricultural Research Council (BARC) contains information on the country's land resources, including geography, soil, climate, hydrology, cropping systems, and crop sustainability. This is used to generate readily accessible information of the physical land resources for use by researchers, extension workers, and decision makers in land and agricultural resource management, as well as for agricultural planning. This has served as the basis for the development of a more comprehensive and multi-scale GIS-based land resources information system that helps deal with the intricacies of land resource planning under complex environmental conditions.

### 16.4.5 Electronic Birth Registration System, Rajshahi City Corporation

The Electronic Birth Registration Information System (EBRIS) introduced by Rajshahi City Corporation (RCC) with technical assistance from the UNICEF has earned award as an innovative e-government initiative at the local level. It allows registration of birth electronically,

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generates birth certificates and immunization cards for newborns, and generates lists babies due for vaccination on a particular day. The EBRIS has replaced the manual process of registration where multiple agencies were involved, thus helping remove duplication of entries and other problems. It also has contributed to achieve near 100% immunization coverage in the RCC area (Akther et al. 2007).

### 16.4.6 Computerization of Railway Ticketing System

Under one of the early e-government projects, the Ministry of Communication computerized the railway seat reservation and ticketing system nationwide. In operation since 1996, this is now being expanded to e-ticketing where the passengers of inter-city trains will be able to purchase electronic tickets using mobile phones and other devices. This would help rail users avoid travelling all the way to train stations and waiting in long queues for tickets.

### 16.4.7 Automation of Internal Processes: The Bangladesh Bank

While efforts for process automation can be found in virtually every public entity, the Bangladesh Bank is among the handful of agencies that have been successful in integrating ICT in its core business processes. As such, all aspects of its operation, including internal management, export receipts, import payments, and monitoring and supervision of commercial banks have been automated. It has also made significant progress with electronic banking through the introduction of automated check clearance and e-payment gateway, online money transfers, and payment of utility bills via the Internet.

### 16.4.8 Human Resource Management Database, Ministry of Public Administration

The Ministry of Establishment, recently renamed the Ministry of Public Administration, was among the first to computerize part of its internal operation. The Personnel Management Information System (PMIS) is an online database that covers information of all class I officers of the Government of Bangladesh. It has shown immense benefits for the ministry as well as the concerned officials. The supervisory authority uses the database for personnel management functions, including the management of their annual confidential reports (ACRs). The respective officer can access his or her personal data sheet (PDS); it also allows him/her to request updating personal information to reflect changes, such as completion of a training program. This also helps them to track their career development and provide regular information on career opportunities.

### 16.4.9 Process Automation, National Board of Revenue

As a result of the successful implementation of a number of donor-funded projects like the Customs Administration Modernization Project; Excise, Taxes and Customs Data Computerization Project; and Modernization and Automation Project, much of the core businesses of the National Board of Revenue (NBR) have already been automated. NBR has had considerable success in its operations and objectives. For example, 90% of the country's trade is now fully automated, which reduces the cost of doing business and facilitates trade and commerce. Significant progress has also been made with e-taxation, especially filing of tax returns by individuals and small businesses.

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### 16.4.10 e-Procurement

Currently under active implementation, the eGP project seeks to make public procurement system efficient, transparent, and accountable. This would allow the entire cycle of procurement decisions and actions from the opening of tender to evaluation of bids and authorization and final payment to be done electronically. It will not only reduce time for tender procedures, it will also reduce corruption, leading to improvement in quality of government purchases. While the government plans to bring the entire public procurement system under e-procurement in phases, initially four government departments/agencies that handle the lion's share of government contracts—the Directorate of Roads & Highways, Local Government Engineering Department, Bangladesh Water Development Board, and Rural Electrification Board—have been selected for the first phase of e-tendering pilot project (*Daily Inqilab*, June 3, 2011).

These and many other similar schemes in various spheres of public administration indicate a new trend where ICT is applied to improve internal efficiency of the government agencies while making sure that the citizens and businesses get fast, reliable, and hassle-free services. Clearly, e-initiatives cover all possible dimensions (G2C, G2B, and G2G) of e-government and offer enormous prospects to redesign governance and service delivery in future. Progress already achieved (limited though compared to other similar contexts), like online presence of government agencies and interactive features, is no less significant. Such features allow citizens to download various government forms, policies, and regulations and a range of other useful services at their own convenience. Also, there are cases where people are able to pay utility bills, buy train tickets, register for admission into public universities, and get results of public examinations using mobile phones. However, despite enormous prospects for the future, currently the benefits of e-government have remained limited due mainly to factors like insufficient infrastructure development and connectivity, inadequate interactive and transactional features, and widespread digital divide in the society.

## 16.5 Bridging the Digital Divide: e-Government at Local and Community Levels

However, such problems have not escaped the attention of the policymakers and other actors. This is evident in various efforts made to find innovative solutions to such problems, thereby ensuring that the benefits of e-government are widely shared. The Union Information & Service Centres (UISCs) are cases in point. Driven by the desire of achieving twin goals of Digital Bangladesh, that is, connecting citizens and delivering services at their doorsteps, UISCs have been established throughout the country (*Daily Star*, November 1, 2010). Conceived and implemented under the UNDP-funded A2I program, UISCs represents a bold attempt at bridging the digital divide and connecting the rural communities to the Internet. Equipped with computers and Internet, UISCs are now functioning in all 4,501 unions—the lowest tier of local government offering useful services to citizens. The services offered in UISCs range from email, word processing, printing and scanning to access government forms, birth and death registration information, passport and visa support, and information on public examinations to health, education, and disaster management. Modeled on the successful Gyandoot project of Uttar Pradesh, India, the UISCs are housed in the local Union Parishad office and managed by local entrepreneurs. While the initial funding and hardware support came from the A2I program, and the Ministry of Local Government is responsible for coordinating the overall activities and building capacity by training relevant personnel (IGS 2009), the sustainability of the scheme has

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been taken care of by involving local youths who run the centers and charge a modest fee for the services rendered.

It is pertinent to note that a number of nongovernmental initiatives have already laid the foundation for schemes like UISCs. NGO initiatives have demonstrated success in reaching out to the unreachable in the countryside. The GramenPhone Community Information Centres (GCIS) and Pallitathya Kendra (Village Information Centres) are among the leading nongovernmental initiatives in this area. GrameenPhone has set up more than 500 information centers in remote locations seeking to enhance the rural communities' access to Internet and multimedia services. Managed by local entrepreneurs who receive training and initial support from GrameenPhone, these centers offer a wide range of offline and online services. Usual GrameenPhone services (e.g., payphones and electronic recharge for prepaid mobile accounts services) aside, they provide Internet surfing and emailing, chatting, computer composing, scanning and printing, and information on health and education (GrameenPhone Community Information Centres 2007). Plans are underway to expand the range of services available via such centers. Similarly, the initial success of the Pallitathya Kendra project of Development Research Network (D.Net) has led to its subsequent expansion. Currently, there are more than 100 Pallitathya Kendras around the country that provide IT skills, training in computer operations, advanced IT courses, ancillary services, and livelihood information. Citizens use them to access information from common agricultural problems, socio-legal advice, and financial services, to medical issues (IGS 2009). An important feature of the Pallitathya Kendras is that mobile InfoLadies help make services available to those who cannot physically reach the centers. These InfoLadies on their bicycles carry notes, phones, and medical equipment, thus making the services available to those most disadvantaged and those in the remotest corners of the country.

The other initiatives that seek to address digital divide and make the benefits of ICT available to the disadvantaged groups include e-huts and Tathya Toris. BracNet, an affiliate of the Bangladesh Rural Advancement Committee (BRAC), established e-huts with the aim of making the Internet accessible at an affordable price to those living in rural areas. Currently, e-huts provide technological solutions for small businesses and local people. BracNet aims to expand the scope and reach by multiplying the number of e-huts to 1,000, each serving as a one-stop shop for various types of digital services, including Internet browsing, basic computer training, broadband services, photocopying, and scanning (Ebrahim et al. 2009). Likewise, the Tathya Tori (information boat) project of the GrameenPhone is an innovative scheme that seeks to educate and empower river-based people with information and services (Islam and Tsuji 2010). Under the support from CARE Bangladesh, Tathya Toris are equipped with digital content and serve as mobile centers to provide Internet and associated services to the people living in haor areas. Besides the provision of periodic medical services and computer training, Tathya Toris also make available information on agriculture, fisheries, and other livelihood matters.

## 16.6 Rocky Road to Digital Bangladesh: Issues and Challenges

It is obvious from the preceding discussions that Bangladesh has made slow but steady progress toward implementation of e-government. Many measures undertaken and implemented in various spheres have helped raise the country's e-profile and readiness. However, still the overall progress is rather modest when considered against other countries. The 2010 e-government survey ranks Bangladesh 134 out of 185 nations globally (UN 2010). Although Bangladesh has advanced from the earlier position of 142 in 2008 (ahead of Bhutan and Pakistan), on the whole this progress is far from satisfactory given the fact that compared to many other countries and some neighbors

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**Table 16.3 Bangladesh's Position in World e-Government Development Index, 2010**

| | *2010* | *2008* |
|---|---|---|
| World e-Government Development Index Rank | 134 out of 190 | 142 out of 192 |
| Online Service Component (Rank 60) | | |
| a. Points for emerging information services | 48 | NA |
| b. Points for enhanced information services | 44 | NA |
| c. Points for transaction services | 05 | NA |
| d. Points for connected approach | 15 | NA |
| Telecommunication Infrastructure Component (Rank 161) | | |
| a. Estimated user per 100 inhabitants | 0.32 | 0.31 |
| b. Fixed telephone lines per 100 inhabitants | 0.84 | 0.79 |
| c. Mobile subscriber per 100 inhabitants | 27.90 | 13.25 |
| d. Personal computers per 100 inhabitants | 2.25 | 2.42 |
| e. Total fixed broadband per 100 inhabitants | 0.03 | 0.00 |
| Human Capital Component (Rank 167) | | |
| a. Adult literacy rate | 53.50 | 47.50 |
| b. Combined gross enrollment ratio for primary, secondary, and tertiary schools | 48.46 | 56.01 |
| e-Participation index (Rank 102) | 0.1000 | Rank 78 |

*Source:* Rahman, T., & Khan, N.A. (2012). Reckoning electronic government in Bangladesh. *International Journal of Public Administration, 35*, 112–121.

(e.g., India, Sri Lanka, and Maldives) this rank is abysmally low and the level of preparedness is far from what is required to provide integrated services to the citizens. Table 16.3 shows the current state of ICT infrastructure in Bangladesh and the nation's overall position in World e-Government Index.

Notwithstanding the government's commitment to realizing the visions of Digital Bangladesh, the efforts in this regard are hampered by a plethora of challenges and constraints. The next section focuses on some of these complex challenges and impediments.

### *16.6.1 Infrastructural Challenges*

The infrastructure serves as the backbone of e-government. It encompasses computers and telecommunications capacity in terms of wireless and broadband networks. To avail the fruits of ICT, compatible ICT infrastructure must be in place. Viewed from this perspective, the overall situation in Bangladesh is hardly satisfactory. Computer ownership per 100 people is abysmally low (2.25). In addition to those presented in Table 16.3, other evidence shows a poor state of affairs. The number of Internet service providers (ISPs) is 205 (80% in Dhaka), and the number of regular Internet users is 3 million. There are only 19.04 Internet users per 10,000 inhabitants, tele-density per 100 people is

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32.04, and the number of fixed phone lines in 2007 was 1.12 million. Mobile phone users increased from 31.42 million to 76.43 million in 2011 (BTTRC, u.d.). In fact, inadequate infrastructure is a huge challenge for the government as well as for the citizens. Despite efforts to build a strong ICT infrastructure, most government agencies still operate with manual systems and procedures, making digitization of data an enormous task. The ratio of personal computers to staff of government offices has improved but is still low. This means that many of those junior officers and those working at the field levels are without much-needed computers, which hampers the delivery of services online. Also, government departments and agencies are not interconnected between each other and with their field offices; the networking infrastructure is weak outside the capital and major cities (Hasan 2011).

Given the fact that ICT penetration in Bangladesh is still low, people having no or limited access to the Internet are unable to enjoy the benefits of e-government, even if services are available electronically. Evidence shows that despite recent improvements in ICT infrastructure, Bangladesh is still at the bottom of the network readiness index and is ranked 118 among 133 countries (GITR 2009). A few data would suffice to highlight the plight even further: The proportion of households with computers increased from 0.8 in 2002 to 1.9 in 2007, and the proportion of households with Internet increased from 0.1 in 2002 to 1.3 in 2007. The problem is exacerbated by inadequate supply of electricity and the concentration of personal computer and Internet users in major cities and towns. Most of the population in Bangladesh is without electricity, and those having access to it also experience regular blackout and disruptions without notice. As such, inadequate and unreliable supply of electricity is viewed as one of the major impediments to effective e-government. Likewise, computers are still too expensive for most Bangladeshi households, and the Internet remains costly and unreliable in most areas. Even the introduction of mobile Internet and WiMax technology that promises to break the barrier of reaching the unreachable has recorded limited success given that very few users are currently prepared or trained to use such devices to access government information and services.

### *16.6.2 The Digital Divide*

Bangladesh is a country of extreme disparities. Some seem to be widening in recent times, as the vast majority of the population remains unaffected by the ICT revolution, notwithstanding the governmental drives to bridge the divide by bringing ICT services to those who cannot afford them. Without a doubt, the existing programs are steps in the right direction but are grossly inadequate to tackle the massive gaps created by the ICT revolution. The government is faced with an enormous challenge of ensuring that people of various socioeconomic strata have equitable access to services and benefits.

As noted, access to Internet and ownership of personal computers are disproportionately concentrated in Dhaka and major cities. It is true that Internet users and broadband networks are growing; however, this appears to create a further divide between the cities and rural areas, between the educated and the affluent segments of the population, and between the poor and ordinary masses. Although data on gender and age of ICT users are unavailable, it is conceivable that the vast majority of those using ICT in Bangladesh are male and young, not female and elderly. Prevailing problems such as massive poverty and inequality, illiteracy, and widespread corruption contribute to widen the gaps further.

### *16.6.3 Inadequate Human Capital*

Far from being seen as a device with wider application and relevance, ICT in Bangladesh is still seen as a hardware and software industry operable only by technical experts. Low levels of literacy

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among the general masses and lack of efficiency among the government servants responsible for implementing e-government initiatives undermine governmental drives. It is ironic that despite being one of the most populous countries in the world, inadequate human capital continues to be a major barrier to e-government in Bangladesh. First, lack of literacy poses a formidable challenge to the development of a competent user group in the country. Currently, Bangladesh's Human Capital Index is only 0.5182, with an adult literacy rate of 53.5% and a combined gross enrollment rate of 48.6% in primary, secondary, and tertiary schools (UN 2010). This low level of literacy makes it difficult for nearly half of the population, who fail to understand any meaning of e-government. Second, though projects are underway to promote IT literacy among students, the use of this equipment, especially in rural areas, is far from optimal because of interrupted power supply, poor location, unavailability of trained personnel, and low motivation and awareness among those involved.

Third, as more and more skilled and knowledge workers are needed, the public sector finds it hard to attract and retain the best in the face of brain drain and competition from the private sector. The current level of skills and expertise available in the public sector is inadequate. A recent study showed that 52% of Bangladeshi officials who are IT literate do not find their skills sufficient to perform daily work and only 38.7% use ICT in official activities. A vast majority of the officers (82%) felt that they needed training to be able to discharge their duties (Hoque and Zaman, n.d.). Training programs run by government and private institutions have generally failed to keep pace with developments and growing demand; training, if any, is rarely need based or carefully planned to allow application in the workplace (Alam 2007). The Bangladesh experience also shows a disconnect between high-level policy development and lower-level engagement and commitment between infrastructure capacity and field-level operations. Many public officials have access to computers and the Internet, but they rarely use them. In fact, one of the chief obstacles to effective e-governance in Bangladesh is the lack of awareness among public officials about the usefulness of the Internet in policymaking, coordination in policy implementation, creating portals in engaging important actors in the policy process, and building an open and transparent public platform for wider participation (Alam 2009). What it all suggests is that the potential of ICT remains mostly untapped and underutilized in the present context. Evidence shows that the tools are used primarily for purposes other than service delivery, for example, word processing, browsing the Internet, and preparing presentation materials.

### 16.6.4 Financial, Legislative, and Regulatory Constraints

e-Government in Bangladesh is still in its infancy. Despite the recent drives and programs, the vision of using ICT to improve governance and quality of life of citizens has not been fully embedded in the legal and regulatory framework (IGS 2009). As indicated, the current legislative and regulatory framework of e-government is driven mainly by two important documents—the ICT Policy 2009 and the ICT Act 2009. They have addressed many of the inadequacies and concerns, yet failed to provide a comprehensive and robust basis for e-government. While the government aims to provide greater public access to ICT and facilitate transactions and services, the existing laws are insufficient in terms of privacy, security, and intellectual property rights. Also, the government's vision of using ICT governance and quality of life of its citizens has not been embedded in the regulatory framework (IGS 2009). In the current context, there is a feeling that a far more comprehensive legislative framework is required than exists at present, not just for tackling cybercrimes and for electronic certification and authentication purposes but also for standardization of government data and information, security of shared services platforms, and the

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like (BIE 2010). Needless to add that poor legal and regulatory framework along with insufficient ICT infrastructure serves as a fundamental constraint on online and integrated services. Also, a key challenge to e-government in Bangladesh is limited funding from the government, along with its heavy reliance on donor support. Budgetary allocation for e-government has remained inadequate; although it has increased, it remains very low as a percentage of total developmental spending. The planned target of increasing governmental spending for the ICT sector of 2% of the annual development plan (ADP) has remained far way off. In the 2009–2010 budget, the government allocated $20.83 million to ICT development, which represents a mere 0.43% of the total ADP.

## 16.7 Conclusion

It is obvious that Bangladesh has made slow but important progress toward implementation of e-government. Although initial efforts began in the late 1990s, the e-government campaign received a major push in recent times, which paved the way for the development of key ICT infrastructure—both hardware and software—and some important initiatives. A variety of schemes initiated and implemented since the early years have raised Bangladesh's e-profile and e-readiness. Currently, virtually all public agencies, including those at the field level, have their Web presence; they also offer informational and, in limited cases, interactive and transactional services. Bangladesh has also seen the introduction of a number of innovative schemes that promise to transform governance and the interaction between the government and citizens, and deliver significant gains in terms of efficiency, convenience, and accountability. Attempts are currently underway to expand the range of services that could be offered online and to ensure that those without access to new technology are able to enjoy the benefits of ICT revolution. Taken together, they have marked the beginning of citizen-centric public administration: members of the public are now provided with alternative channels of accessing services in a more hassle-free environment.

However, it must be emphasized that e-government is yet to bring about a fundamental change in public governance, as most programs have not gone beyond informational and interactive stages, and the vast majority of services continue to be provided through traditional channels. The expansion of e-government benefits has been handicapped by a range of constraints and limitations. As shown, the barriers and challenges that Bangladesh faces are complex and multidimensional and must be overcome to achieve radical change to the process of governance and service delivery. The success of e-government requires much more than the deployment of technology and development of infrastructure. It calls for a far-reaching preparation in terms of policy initiative, skills and capacity development, continuous innovation, and modernization. It also requires broadening and deepening public access to government services, not to talk about integration and capacity building to offer multiple services via secure online channels. In fact, the experience of e-government around the world shows that there is no quick fix to such challenges. It requires robust leadership, continuous drive, and innovation in different spheres where the government, the private sector, NGOs, and members of the community all have important roles to play. Perhaps the most critical in this regard is the commitment and conviction on the part of political and administrative leadership to carry this task forward. Without such commitment and sustained efforts, the vision of Digital Bangladesh is unlikely to be realized.

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## References

Alam, M. (2007). E-Governance: Scope and implementation challenges in Bangladesh, a paper presented at the International Conference on E-Government, Macao, China, December 10–13.

Alam, Q. (2009). Realizing the promise of digital Bangladesh through an e-governance architecture, www.ifg.cc/index.php?option=com_content&tasks=view&id=27373 & Item. Accessed on September 20, 2011.

Akther, M.S., Onishi, T., & Kidokoro, T. (2007). E-Government in a developing country: Citizen-centric approach for success. *International Journal of Electronic Governance*, *1*(1), 38–51.

Bhatnagar, S. (2004). *E-Government: From Vision to Implementation*. New Delhi: Sage.

BTRC (Bangladesh Telecommunication Regulatory Commission). (2009). *Annual Report 2007–2008*. Dhaka: BTRC.

Ebrahim, A., Pirson, M., & Mangas, P. (2009). *Brummer and the BracNet Investment*. Boston, MA: Harvard Business School.

Faroqi, M.G., & Siddiquee, N.A. (2011). Limping into the information age: Challenges of e-government in Bangladesh. *Journal of Comparative Asian Development, 10*(1), 33–61.

GITR. (2009). The Networked Readiness Index 2009–2010 rankings, The Global Information Technology Report 2009–2010, World Economic Forum.

GoB (Government of Bangladesh). (2002). *National Information and Communication Technology (ICT), Policy 2002*. Dhaka: Ministry of Science and Information and Communication Technology.

GoB (Government of Bangladesh). (2009a). *E-Government Bulletin January: Access to Information Program*. Dhaka: Prime Minister's Office.

GoB (Government of Bangladesh). (2009b). *National Information and Communication Technology (ICT), Policy 2009*. Dhaka: Ministry of Science and Information and Communication Technology.

Hasan, S. (2011). E-Government in Bangladesh public administration: Impact on the procedure of interaction, PhD thesis, University of Sydney, August.

Hoque, S.M.S., & Zaman, F. (Undated). E-Government: Preparedness of the Bangladesh Civil Service.

IGS (Institute of Governance Studies). (2009). *Digital Bangladesh: The Beginning of Citizen-Centric E-Government?* Dhaka: IGS, BRAC University.

Islam, M.A., & Tsuji, K. (2010). Bridging digital divide in Bangladesh: Study on community information centres. *The Electronic Library, 29*(4), 506–522.

OECD. (2003). *The E-Government Imperative*. Paris, France: OECD.

Prime Minister's Office. (2010). Access to Information (A2I) Program—Quarterly report, January–March 2010. www.a2i.pmo.gov.bd.

Rahman, T., & Khan, N.A. (2012). Reckoning electronic government in Bangladesh. *International Journal of Public Administration*, *35*, 112–121.

Support to ICT Task Force. (2008). *E-Government Initiatives in Bangladesh: A Sample Survey*. Dhaka: Ministry of Planning.

UN (United Nations). (2008). *E-Government Survey: From E-Government to Connected Governance*. New York: UN.

UN (United Nations). (2010). *Global E-Government Survey, 2010*. New York: UN Department of Economics and Social Affairs.

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# *Chapter 17*

# Public Agencies' Initiatives for Social Development in Bangladesh

Quamrul Alam

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## 17.1 Introduction

Bangladesh is one of the most densely populated countries in the world. Its population of 146.6 million (ADB 2011) places a tremendous economic, social, and environmental strain on the country's resources, and it is a poor country, with a gross domestic product (GDP) per capita of only about $1,700 per year, ranking about 150–160 in the world. It is also primarily an agricultural economy, with agriculture contributing about 35% of the GDP; cotton textiles and garments presently account for 80% of exports. In this setting, the public sector plays a central role in distributing economic and social development funds, thereby affecting social development among various interest groups within the polity. Despite recurring external economic shocks, natural disasters, widespread poverty, and a highly constrained revenue capacity, Bangladesh maintained fiscal discipline and allocated spending well to meet Millennium Development Goals* (MDGs) with healthy GDP growth (ADB 2011; UNESCO 2011; World Bank 2011). Bangladesh reduced poverty from 40% to 31.5% between 2005 and 2010 (BBS 2010), and progress can also be seen in other dimensions of development (World Bank 2012). Discernible improvements in Bangladesh's social indicators have been acknowledged by multilateral aid agencies.

This chapter analyzes six cases of social development policy initiatives taken by the Government of Bangladesh in different sectors. This chapter cuts across some common issues such as public policy, intergovernmental relations, budgeting, public sector human resource management, resource support, public participation at local government levels, and institutional control and accountability, exploring the challenges Bangladesh has been facing in achieving sustainable social development.

By way of background relating to public administration, Bangladesh spent 15 years under military rule before a multiparty parliamentary democratic system was introduced in 1991. During 1971–1975, a social democratic party, the Awami League,† adopted an inward-looking policy and nationalized major industries, banks, and financial institutions. In the period of 1975–1991, the military–civil bureaucracy was in control of the state and formed a political alliance with interest groups from various political denominations, including the emerging trading and industrialist class. This regime was ideologically inclined to an open-door economic policy but took a gradual approach to privatizing nationalized sectors. The regime pursued a growth model of economic development and depended on foreign aid (Alam 1991, 1994). Today, a majority of large enterprises are still under state control, but industrial development through private means is a priority.

Since the late 1980s, Bangladesh has pursued an open-door economic policy (Islam 2004). The introduction of parliamentary democracy in 1991 set a new politico-bureaucratic platform

* The Millennium Development Goals (MDGs) are eight international development goals that all 193 United Nations member states and at least 23 international organizations have agreed to achieve by 2015.

† The Awami League is the mainstream center-left secular political party in Bangladesh. It is also currently the governing party after winning the 2008 parliamentary elections in Bangladesh.

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congenial for introducing social and economic development policies. The creation of different semicorporatized organizations partially transformed the structure of public sector management into some form of business-like entities (World Bank 1997). Public policy initiatives were undertaken to increase public participation by establishing representative bodies at district, upazila,* and union† levels. Necessary investments have been made in energy, social infrastructure, and information communication technology (ICT) sectors. Policy initiatives have been taken to enhance efficiency by removing all supply constraints to sustain the growth rate, simplifying the process of service delivery, expanding targeted social safety-net programs, and ensuring prudent macroeconomic management. Bangladesh has made considerable progress by establishing social justice through the reduction of poverty and inequality. However, while Bangladesh has experienced a strong economic performance in recent years, including an export growth of 21.2%, growth of 9.8% in inflow of remittance in the last three years (The Budget Speech, June 7, 2012), and GDP growth of 5.7% in 2010–2011 and 6.3% in 2011–2012, it has still run a large trade deficit that is financed largely through foreign aid and remittances from Bangladeshi workers abroad (Samaratunge, Alam, and Teicher 2008). Despite incentive programs offered by Bangladesh to attract foreign direct investment, external capital flows to Bangladesh have so far been limited because of deficiencies in infrastructure and trained human resources, bureaucratic hurdles, and inefficient macro and micro policies that raised the cost of domestic industries (Islam 2004). The history of military dictatorship and a dysfunctional democracy also bring additional challenges for Bangladesh to formulate sound social development policies and introduce well-integrated implementation practices and institutions.

## 17.2 Case 1: Community Clinics in Rural Bangladesh

In spite of development successes in the last three decades, and fertility declining from 6.3 to 2.7 children per woman, Bangladesh's population is still projected to reach 231 million by 2050 (USAID 2010). The health status of mothers and children remains poor. Due to widespread poverty, 40% of children and 30% of mothers suffer from moderate to severe malnutrition. Malnutrition is also a reason for the death of nearly a quarter of all children age 5 or younger. Bangladesh is also at high risk for the spread of HIV/AIDS despite its low prevalence in the general population, due to a concentrated epidemic among injecting drug users. Bangladesh is also considered one of the 22 high-burden countries for tuberculosis (TB) and currently has the 6th highest incidence of TB in the world (USAID 2010).

To extend the health care facilities to rural areas and improve the overall health situation of the country by ensuring comprehensive primary health care services, the Government of Bangladesh took a policy initiative to establish one community clinic (CC) for every 6,000 people in rural areas (GOB, National Health Policy 2011). CCs were established to deliver primary health care and family planning services in rural areas. Another purpose was to create

* The districts of Bangladesh are divided into subdistricts called *upazila parishad* (UP) or thana.

† Union parishads (or just union) are the lowest rural administrative and local government units in Bangladesh. Each union is made up of nine wards. Usually one village is designated as a ward. There are 4,451 unions in Bangladesh. A union council consists of a chairman and 12 members, including 3 members exclusively reserved for women. Union parishads are formed under the Local Government (Union Parishads) Act, 2009. The boundary of each union is demarcated by the deputy commissioner of the district. A union council is the body primarily responsible for agricultural, industrial, and community development within the local limits of the union.

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awareness among villagers concerning health care, immunization, and family planning, as a lack of information and education is believed to be the cause of many diseases. Moreover, poor health causes unemployment and affects productivity of the already poverty-stricken country. It is thought that the aforementioned public policy initiative of educating people through the CC may reduce the risk of many diseases, such as HIV/AIDS, malaria, dengue fever, tuberculosis, and leprosy.

Primary health care facilities are not sufficient in Bangladesh, and it is a major problem in many developing countries. CCs are located in rural and remote areas so that vulnerable people and pregnant women can receive primary care. It was believed that CCs, as the first level for primary health care, would also provide various services like maternal and neonatal health care service, treatment of childhood illnesses, reproductive health, expanded programs on immunization (EPI), and other health care services. Pregnant women can also attend the CC for their regular follow-up (Millat, Jahan, Hasan, Hossain, and Mia 2011). It was planned to supply about 28 essential drugs in each clinic to treat common illnesses, such as fever, abdominal pain, diarrhea, colds, and cough for both children and adults along with family planning.

A CC is a multipurpose center that facilitates remote people, mainly in remote villages, to get health, nutrition, and family planning services at their doorstep. The services include prenatal and postnatal care, immunization, counseling on breast-feeding, distribution of vitamin A supplements, diagnosis of and treatments for anemia, provision of tuberculosis drugs, management of diarrhea, and family planning services. The clinics register eligible couples, pregnant women, and newborns (Ministry of Health and Family Welfare 2012).

The present government elected to office in 2009 has proposed a five-year plan, the Revitalization of Community Health Care Initiatives for Bangladesh, at an estimated cost of BDT 2,677 crore ($335 million). The key activities of the project are as follows:

- Revitalize and strengthen 10,624 existing clinics
- Introduce CC functions in 4,500 existing union and upazila* health facilities
- Rebuild 99 demolished CCs
- Establish 2,777 new CCs
- Recruit and train 13,500 CHCPs (community health care providers)
- Institutionalize 18,000 CCs under integrated upazila and district health system
- Establish an effective referral linkage with the upazila- and district-level health service facilities, that is, Union Health and Family Welfare Centres (UHFWC) and Upazila Health Complex (UHC)

The CC is an innovative public policy initiative, as the government involved the community leaders by asking for land donation to set up community centers. Due to financial constraints and the low level of local government involvement and limited sources of revenue, this public–private partnership model, though functioning at a micro level, plays a vital role in constructing CCs. The communities donated land while the government provided medicine and all necessary logistics. CCs are managed both by government employees and community groups (CGs). Each CC has one managing body called a community group (CG) that represents different people groupings within the CC area. Staff at the district and upazila level provide technical and secretarial support to the CG for smooth functioning of CCs.

* The districts of Bangladesh are divided into subdistricts called Upazila Parishad (UP) or Thana. Upazilas are similar to the county subdivisions found in some Western countries.

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At present, 11,409 CCs are in operation, and the government has planned to establish e-health service in all CCs by providing laptops to CHCPs, which is an essential part of building e-public health facilities. Reporting and communication could be done through the Internet. Health services through mobile phone (telemedicine) could be provided through the established CCs.

### *17.2.1 Structure of Management*

There are three levels of management in CCs. The project director at the Ministry of Health and Family Planning is in charge of the CC project. There are 13,544 officials in the CCs throughout Bangladesh. The central project office is now fully functional with all sanctioned 44 staff and logistics support. A total of 12,741 CHCPs have been appointed, and the remaining 759 will be appointed in the immediate future (http://www.communityclinic.gov.bd/features.php).

Each CC is managed by a CG. The responsibilities of the CG include regular operation of the clinic, program planning, establishment of a support group, fund generation, monitoring and evaluation of the clinic's performance and community participation, and coordination with the support providers and stakeholders. Each CG consists of nine to thirteen members, including at least four female members. The composition of the CG is as follows:

- President (01): elected union parishad members
- Vice president (02): one is land donor or his/her representative, and one is selected/elected by the community
- Among president and vice president, one must be female
- Treasurer (01): selected by CG members
- Member secretary (01): health assistant (HA)/family welfare assistant (FWA) acting as member secretary after recruitment (without voting power)
- Members (02): selected/elected, one from schoolteachers and one from social workers (one must be female)
- Members (02): selected/elected from poor and marginalized groups/households/disabled/freedom fighters/religious leaders (one must be female)
- Members (02): one elected female UP member and one adolescent representative
- Members (02): H&FP service providers working in the CC catchments area (without voting power)

A CHCP, who provides service delivery after the completion of 3 months of training, is in charge of the CC. A CC provides numerous health care services such as maternal and neonatal health care; integrated management of childhood illness; reproductive health and family-planning; treatment of acute respiratory infection; immunization; registration of newly married couples, pregnancy, birth, and death; preservation of estimated date of delivery (EDD); nutritional education and micro-nutrient supplements; and health and family-planning education and counseling. The CHCP refers severe illnesses like TB, malaria, pneumonia, influenza, and obstetrical engineering to *upazila* and district-level health service facilities.

To assess the effectiveness of CCs, a cross-sectional study was conducted among 113 health workers in Sirajganj Sadar* and Kamarkhanda† upazilas of the Sirajganj‡ district. The results show

* Sirajganj Sadar is an upazila of Sirajganj District in the Division of Rajshahi, Bangladesh.
† Kamarkhanda is an upazila of Sirajganj District in the Division of Rajshahi, Bangladesh.
‡ Sirajganj is a district in northern Bangladesh. It is a part of the Rajshahi Division.

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that among 113 health workers, everyone was aware of the activities of CCs, and 95.6% were aware of the types of medicine available in the CCs. The study reveals that 74.3% of them knew of clinic availability, while 92.9% agreed that all CCs are operational. Only 5.4% of workers have received sufficient training, in contrast to 94.7% without proper training. Most of the workers were unable to use computers provided to each CC facility (Table 17.1).

Regarding service quality, 70.3% of the respondents mentioned that the inadequacy of medicines affected the services, 64% noted the availability of temporary family planning methods in CCs, 93.6% health workers were able to identify seriously ill patients and took necessary steps for treatment. The respondents also stated that 98.2% of the health care providers were able to refer the patients to secondary or tertiary level hospitals if and when needed, whereas 99.1% agreed that the EPI* activities were available in CCs (Table 17.2).

**Table 17.1 Knowledge among Health Workers**

| | *Percentage* | |
|---|---|---|
| *Category of Knowledge* | *Yes* | *No* |
| Awareness about the activities of the CCs | 100 | 0 |
| Knowledge about having a CC for every 6,000 people | 74.3 | 25.7 |
| Number of functional CCs | 92.9 | 7.1 |
| Knowledge of types of medicines available in the CC | 95.6 | 4.4 |
| Knowledge about operating computers in the CC | 5.3 | 94.7 |
| Sufficient training health care | 5.4 | 94.6 |

*Source:* Bangladesh Medical Research Council Bulletin 2011.

**Table 17.2 Facilities of Community Clinics**

| | *Percentage* | |
|---|---|---|
| *Category of Knowledge* | *Yes* | *No* |
| Supply of medicine in CC adequate | 70.3 | 29.7 |
| Temporary methods of family planning are available | 63.6 | 36.4 |
| Identify the critical patient and take necessary steps to get service from health and family planning | 93.6 | 6.4 |
| Refer the patients according to needs | 98.2 | 1.8 |
| EPI activity functioning regularly | 99.1 | 0.9 |

*Source:* Bangladesh Medical Research Council Bulletin 2011.

* The World Health Organization (WHO) initiated the EPI in May 1974 with the objective of vaccinating children throughout the world.

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CCs are managed by the CG, and 72.5% of health workers acknowledged that CGs look after the CCs. Because of the community engagement provision, quality of services has improved, and clinic officials have become more accountable. The findings reveal that 99.1% of health workers regularly talk with local people about health care, 95.5% of respondents stated that CHCPs regularly talk with local people about the reasons of maternal and infant mortality, and 88.3% of community health workers receive help from CG leaders.

At a focus group meeting, the health workers were asked the question, "Who gets the main services?" Among the health workers, 60% responded that females and children were the main beneficiaries, while 35% stated that females were the main service seekers. Most health workers felt that the number of CCs was not sufficient for the needs of the population and that 77% of them did not have adequate training. A high percentage of health workers (94.7%) mentioned that the number of CCs was less in comparison with health care needs, 87.6% reported that their training was insufficient, and 69% stated that there was a shortage of skilled manpower in the CCs. The poor transportation system, such as rural roads, rail, and river transport infrastructure, was cited by 71.7% of health workers as a barrier; 23% identified disruption of the electricity supply as a problem; and 28.3% stated that the number of health workers was insufficient. The community health workers placed emphasis on more training for their improvement and recruitment of skilled employees and a supply of essential drugs to ensure better health care services.

To ensure maximum benefits, CCs should be established where people have easy access, as women and children are the main service recipients. An assessment by the Health Systems Development Programme (HSDP) reveals that most CCs are located at convenient locations. As the land was donated by people in the community, the availability of land has determined the location. Many CCs are located at flood-prone, low-lying areas, which are difficult to access. The criterion of travel time is not easily met in relatively sparsely populated areas, but in most cases, it was met or nearly met. Proper monitoring and community participation in site selection is needed to avoid situating CCs in poor locations.

### *17.2.2 Community Clinics in Bhola*

We have analyzed the CCs' status in the district of Bhola,* which is located in the southwestern part of Bangladesh. Bhola is the largest island district of Bangladesh, with an area of 3,737.21 square kilometers. The district consists of seven upazilas, where the government planned to establish 238 CCs for approximately 1.7 million people. The implementation status of the CCs is tabulated in Table 17.3.

One CHCP is to be employed for each CC, though at present only one HA and one FWA perform their 3-day-per-week duties, respectively, by rotation. Training programs are run for CHCPs who have been recently employed. Training of CHCPs is provided by the World Bank in coordination with the civil surgeon (chief medical officer) of the district and the upazila health administrator from the respective upazila. The functioning clinics provide treatments for minor ailments and run workshops on family planning and health education. The medicine and medical equipment are provided by UNICEF through the civil surgeon's office. About 28 types of medicines are supplied by the Ministry of Health and Family Planning to the CCs. Besides the CCs, there are eight EPI vaccination centers in each ward of the union (consists of four to six villages) that schedule monthly immunization according to tentative prescribed routine. The Upazila

* Bhola is the largest island of Bangladesh. Bhola also forms an administrative district in southwestern Bangladesh. It is located in the Barisal Division.

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**Table 17.3 Thana/Upazila-wise Community Clinic and Staff in Bhola District**

| *Upazila* | *Proposed Clinic* | *Handed-Over Clinic* | *Functioning Clinic* | *Under-Construction Clinic* | *CHCP Working* |
|---|---|---|---|---|---|
| Bhola | 50 | 40 | 37 | 01 | 47 |
| Daulat Khan | 28 | 19 | 18 | 01 | 23 |
| B. Uddin | 31 | 26 | 21 | 06 | 26 |
| Tazumuddin | 18 | 16 | 14 | 00 | 17 |
| Lalmohon | 40 | 23 | 23 | 03 | 26 |
| Charfession | 62 | 57 | 56 | 00 | 49 |
| Monpura | 09 | 06 | 06 | 00 | 08 |
| Total | 238 | 187 | 175 | 11 | 196 |

Health and Family Planning Officer (UH&FPO) is the administrative officer. The Upazila Medical Officer also performs some supervisory roles and monitors the activities of the clinic. There is no paramedic or medical officer in the CCs.

The author and a member of the research team visited some CCs to collect firsthand information about the current status of service delivery and the factors hindering citizens' access to clinics. It was observed that due to the lack of connecting roads and waterlogged routes during the monsoon season, service recipients found it difficult to arrive on time. The author interviewed the civil surgeon (district medical officer) of the Bhola district and learned that CCs in the Ali Nagar Union Parishad and Velumia Union Parishad were provided with basic physical infrastructure, such as benches, tube wells, and medicines. Patients use the benches in the waiting space (veranda), but in most cases they go directly to the HA/FWA's room and receive services standing by the providers. The team observed that rooms in some CCs were unhygienic because water leakage from the roof dampens the clinics. The civil surgeon informed that there were not enough funds for maintenance of these newly established CCs. Moreover, inadequate cleaning and sanitation facilities and an irregular supply of electricity worsened the usability of these clinics. In some clinics, there were no tube wells, as these were stolen. The overall environment of the CCs was bad and unsuitable for delivering services to the patients. The CCs in Ali Nagar upazila are very close to the district headquarters. The presence of CHCPs was regular, and the supply of drugs was reasonably adequate (District Medical Officer, Bhola, May 2012). The research team interviewed some CHCPs, nurses, doctors, and service recipients to identify the difficulties faced by the CCs. The following problems have been stated by the interviewees:

- There is no electricity in most CCs.
- The supply of pure drinking water is a huge problem. There are shallow tube wells in some CCs. At present, deep tube wells are provided in newly constructed CCs for drinking water.
- Shortage of sufficient furniture
- No waiting room for the patients
- Toilets and bathrooms are unusable and dirty.
- No cleaner or night guard/security guard

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- No boundary wall for security
- Water leaking from the roof of some CCs
- There is no medical officer, medical assistant, or medical technologist
- There are differences in salaries of HA and family welfare workers versus CHCPs. The pay scale of CHCPs is BDT 5,200 ($65) per month. A project employee (HA) serving for 20–30 years gets BDT 4,700 ($59). Due to this difference, employees working in CCs do not have coordination
- CHCPs who have passed HSCs are provided with a stethoscope and official dress, but not the HA/FWA, though they are trained and more qualified, resulting in their being dissatisfied. Though the health assistants lead the immunization program, which is well known in the donor community, their contributions are not properly recognized

The study by the Health Systems Development Programme (HSDP 2002) revealed that most of the CCs have two specified rooms built using poor quality materials. But in many cases, the quality of the construction is below an acceptable standard, and buildings are showing signs of collapse. Very few CCs meet the requirements of having two toilets and a facility for safe drinking water. The study (HSDP 2002) also indicated that supervision of the building was needed, particularly where there was a need to focus on toilets and tube wells. The study found little community supervision of the building construction work. Though there is a requirement for a specified amount of furniture and medical equipment for each CC, none of the CCs was found fully equipped or furnished, resulting in a negative impact on service delivery.

To ensure community participation, a CG was formed to take part in site selection, supervise construction, and provide management and supervision of services. In most CCs, CGs were set up, but few were working effectively. The members of the groups stated that they have little power and that the management structure has not yet been sufficiently developed to operate effectively. According to CGs, service quality depends on staff skills, staff availability, and drugs, but CGs have little control over these.

The CCs are not properly staffed with trained employees as per government guidelines. Most of the CCs are staffed with some training, though more training is required to provide a full range of essential service packages (ESPs). Though the policy specifies that 28 drugs should be made available at CCs, in most cases supplies were limited. The arrangements to distribute drugs to CCs have been inadequate, and the types of drugs for each CC is inconsistent. The study (HSDP 2002) found that around half of the CCs were effectively closed and were providing little or no service. In a quarter of the clinics, the services were often available but did not conform to the designated level.

### *17.2.3 Fakirbari Community Clinic*

Fakirbari's CC is situated at the Fakirbari village of Tirnaihat Union under Tetulia upazila in Panchagarh district. The distance between the upazila headquarters to the CC is about 17 kilometers. Some public and private institutions, including the union parishad office, are also situated around the CC. Even a light rainfall can flood the CC, as it is situated on lowland. The CC is about 3 kilometers away from Tetulia-Banglabandha Pucca road, so it is accessible by rickshaw or on foot but only on foot during the rainy season. It takes 2 hours from the CC to Tetulia Upazila Health Complex (UHC) by rickshaw. A research team visited the CC at 9:00 a.m. and found it closed. Then they found out the name and address of the chairman of the CG and went to his house, where three more CG members appeared. They started discussions,

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including those present there. The people of the community stated that the clinic remains closed for about 6 months and opens once a month for EPI vaccination. The HA never comes except on EPI vaccination day. The FWA often comes but not to provide services for the CC. Medicines had not been supplied to the CCs for a long time. The field research team spoke with teachers, CG members, local people, and service receivers. Almost all stated that the people of the area were very poor and were vulnerable to various types of diseases; therefore, they expected the CCs to operate on a regular basis. They also stated that any sort of advice from service providers would be very beneficial for the community. In regard to service delivery and quality of service, one recipient quoted that the CC remained closed for a long time with one female doctor (FWA) present when it opened but left the CC after an hour. When they sought service, she gave a few antacids and asked them to come back on a later date. Another old man informed the team that once when he had been to the CC seeking cure for a fever and strong headache, he was asked by the doctor told to come on a later date, as there was no medicine. When the old man insisted for medicine, the doctor became angry and asked him to leave the CC. Since then, the old man had not gone to the clinic. The above case is a typical example of poor levels of service quality in the public health system.

## 17.3 Case 2: From Shrimp "Gher"* to Prawn "Gher" Farming, and Rice Production: Rural Employment in Southwestern Bangladesh

Rapid population growth, increased food demand, and urbanization are the main factors that have created tremendous pressure on agricultural land, making it an increasingly scarce resource. As a result, per capita agricultural land has decreased over the years in Bangladesh. Food insecurity is a critical concern. Despite a noticeable improvement in rice production along with other agricultural crops in recent years, production still falls short of attainable levels. The Government of Bangladesh imports a large amount of rice from abroad to meet the domestic demand. Consequently, in Bangladesh, most of the poor consume rice. The rural poverty headcount rose sharply during the period of the global food crisis, by about 4% (Hossain and Bayes 2009).

Like many other countries, Bangladesh will face tremendous challenges from climate change and global warming. Among other sectors, its agriculture will face the deadly floods, droughts, tidal surges, and soil salinities. The risk associated with climate change lies in the interaction of several systems with many factors that must be collectively considered. Shrimp culture, an aqua business activity, has significantly increased in the past two decades, earning export incomes. The growth of shrimp production has directly and indirectly affected agricultural production, especially in the coastal area.

Bangladesh is an agro-based country, and its economy depends mainly on the agricultural sector. The agricultural sector accounts for 22.7% of the GDP, and about 60% of the national labor force is directly or indirectly employed in this sector (BBS 2010). Since agricultural sector is the mainstay of the economy, Bangladesh is very sensitive to the impact of climate change on agricultural production. However, climate change adversely affects the different subsectors of the agricultural sector, such as crop production, forestry, and fisheries. Climate change has created many environmental problems and risks, such as soil salinity, inundation, drought,

* Shrimp cultivation is colloquially known as "gher."

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and degradation of land. Increased drought and salinization in the dry season and prolonged inundation in the wet season have hindered crop production and operation, livestock rearing, and fish production, including prawn and shrimp cultivation, in the southwestern part of Bangladesh (Sen and Yunus 2010). Unplanned shrimp cultivation has been distorting the biodiversity and ecological balance in the southwestern districts of Bangladesh. Saline water has been destroying the fertility of the agricultural lands. Therefore, the formulation of a pro-farmer shrimp cultivation policy was necessary, especially for the coastal zones. It was also necessary to develop local-level income-generating projects to stop migration of people from rural to metropolitan areas.

In the last two decades, Bangladesh has been experiencing growth in shrimp and prawn cultivation in the southwestern region. There is increasing demand for prawns in the local and international markets, and Bangladesh has earned a significant amount of foreign exchange by exporting shrimp and prawn. Shrimp/prawn is the second largest exportable industry in Bangladesh, and its contribution to the fisheries sector is remarkable. The contribution of this sector to the GDP is 1.45% and 1.97% of the total export, respectively (BBS 2010). The unit producing shrimp/prawn in Bangladesh is locally known as *gher farming*. Gher farming aquaculture and agriculture are the two growing productive sectors employing rural people, generating income, and facilitating related and supportive small and medium businesses in the gher farming area. Shrimp/prawn gher farming system has created many diversified local job opportunities. In the prawn–rice gher farming system, the yield of rice is almost similar than that of the normal modern method of cultivation. The shrimp gher farming increases the salinity of soil and hampers rice cultivation. But prawn gher farming does not increase the salinity of soil. The Ministry of Fisheries and Livestock has taken a policy initiative to encourage a shift from shrimp gher farming to prawn gher farming culture through motivating and organizing local people. The purpose is to encourage prawn gher farming, create rural employment, facilitate small business development, and support income generation through gher farming aquaculture. The Ministry of Fisheries and Livestock selected Kapilmuni Union in the district of Khulna to introduce a 100% prawn-rice gher farming system by June 2012. The district-level officials were instructed to motivate and organize 100% of the local people to move to environment-friendly prawn gher farming from shrimp-gher farming by December 2012. It was indicated that a successful project like this would help to introduce a prawn–rice gher farming system in at least 20% of noncoastal upazilas by June 2013. The project objective is to replicate such prawn gher farming in at least 300 upazilas throughout the country by December 2015.

The Ministry of Fisheries and Livestock along with the district and upazila-level officials took some concerted actions to implement the new project. By June 2012, 50% of the farmers in Kapilmuni union had adopted the prawn–rice gher farming system. Ten percent of the farmers in the nearby union of Paikgacha upazila also adopted this gher farming system. The Ministry of Fisheries and Livestock has initiated a project worth BDT 560.41 million ($70 million) for the expansion of prawn cultivation in freshwater areas. This project will be implemented through the Department of Fisheries in 400 upazilas by 2015.

There has been an increasing interest among the farmers in this type of project. There is a strong demand for prawns in international markets, which convinced local people and stakeholders in the production supply chain. Local supply sides of stakeholders are keen and have the experience. It is expected that with encouragement from local administration, the number of prawn–rice gher projects will increase to generate income for the rural people and make this new prawn–rice gher cultivation a sustainable new agribusiness. With encouragement at the national level and with possible replication through the country, this project can indeed be more successful and sustainable and can have far-reaching consequences.

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The below-average literacy level of shrimp farmers is an obstacle, as it is difficult to make them understand the impact of shrimp cultivation on ecology, biodiversity, and the fertility of cultivable land. The stakeholders involved in this industry are too focused on the short-term gains and are interested in a fast money-making venture, ignoring the long-term environmental impact. The absence of a clear-cut policy from the government and the gap of coordination among the related departments (like the agriculture department, the fisheries department, the environmental department, and local government) create confusion among the interested producers. A group of local elites controls the industry. The nexus between street-level bureaucracies and political elites in the rural areas has created an uncoordinated project implementation plan. It becomes difficult to break the chain of corruption in this sector, which starts from the bidding of land to the leasing out to the shrimp farmers. The lease-tendering process is not fair and competitive, information is not made public, and in-house bidding takes place because of aforementioned powerful nexus. A problem arises when an officially successful bidder subcontracts the lease to a small and medium business owner. The absence of well-developed monitoring regime and practice, an uncompetitive bidding process, and the use of Khas land (government-owned land) have made the system unsustainable. Due to the unfair bidding system, the government revenue earned from the aqua business sector does not constitute a critical mass that could be reinvested for the development of the sector. Absence of the use of technology, poor infrastructure, and control of power elites in coastal areas has made the supply chain process inefficient and time consuming. The lack of coordination at the field administration level affects the support networks, training programs, and resource allocation for the development of this sector. The political uncertainty and the rise of oligarchic nature of rural-level political culture also affect the policy continuity.

Shrimp/prawn is the second largest exportable industry in Bangladesh. Both exportable shrimp and prawn are being produced in the gher farming system. The shrimp farming system has negative impacts on environment, ecology, land degradation, livestock, and water quality, whereas the prawn–rice gher farming system is environment-friendly and sustainable. Moreover, the yield from high-yielding varieties of rice in the prawn–rice gher farming system is almost the same as that of normal rice cultivation in other parts of Bangladesh. So the prawn–rice gher farming system offers a system of dual production connecting agricultural output with the international export market. Therefore, policy-makers should take necessary steps for the development and expansion of the environment-friendly prawn–rice gher farming system in Bangladesh.

## 17.4 Case 3: Information Communication Technology Centers in Madrasas

Bangladesh has a large number of registered secondary madrasas (Islamic faith schools). These madrasas account for more than 30% of all secondary educational institutions in the country and therefore serve as an important partner for the delivery of education in rural areas. Registered secondary madrasas (popularly known as Aliyah madrasas*) now offer coeducation and follow a state-approved curriculum where, along with Islamic studies, students learn mathematics, English, science, and other subjects; this allows the madrasas to receive public funding. In addition, female students constitute almost half of the enrollments in registered madrasas, a remarkable

* The religious education sector comprises both registered madrasas, known as Aliyah madrasas, as well as independent unregistered madrasas, known as Quomi madrasas. Aliyah madrasas provide modern general education alongside Islamic education, and most of these madrasas operate as coeducational schools.

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development in the South Asian context. The growth of the madrasa sector in Bangladesh is the outcome of many years of reform where financial incentives have been used to induce madrasas to include market-oriented subjects in the curriculum and alter policies to admit female students. These pragmatic reform initiatives were introduced long before recent developments.

Although considerable progress has been made in increasing access to secondary education over the past decade, particularly for girls, further progress requires reaching out to difficult-to-reach, poverty-stricken children. If there is a positive link between poverty and religious school participation, then extending access to education may involve further increases in the share of pupils enrolled in religious institutions.

Education, through its effect on human capital accumulation and its influence on promoting a common culture, has profound economic and social implications. Differences in the cultural orientation of school curricula have resulted in excessive polarization and suboptimal growth. Madrasas do not provide the skills necessary for a modern economy. Madrasa attendance reinforces the curse of poverty in the future. Moreover, madrasa education does not promote civic values and norms that are essential for a functioning democracy and market economy. Very little is known about what drives the demand for religious schooling in rural Bangladesh. If registered madrasa schools do not boost practical skills, their graduates are likely to find themselves at a disadvantage in the labor market and to be trapped in a future of low wages. This provides a comprehensive account of the size, structure, and quality of secondary madrasa education in Bangladesh (World Bank 2009). A clear understanding of the religious school sector is necessary, if this institution is to serve as an instrument for economic development in rural Bangladesh.

Bangladesh has been experiencing a stormy political uncertainty that is affecting the pace of the country's social development, which could reduce the level of poverty. The political uncertainty, level of poverty, and lack of access to formal education has created a scope for the growth of the madrasa educational system in Bangladesh. These institutions have historical legacies, as the people of Bangladesh are predominantly Islamic in faith and secular in their social attributes. While the government struggles to provide its population with a secure environment and economic development, the madrasa education system offers a religious–spiritual exit for people who are lost or feel excluded from mainstream social and economic activities. In recent years, the madrasa education system has generated negative views and stereotypes that typify it as "backward" and "radical." It is generally believed that madrasas are associated with an anti-Western sentiment, terrorism, fundamentalism, and terrorist training camps (IPCS 2007). As a consequence, the madrasa students feel a sense of alienation and are vulnerable to get involved in undesirable activities, such as militancy. As they have grown up in hard-core poverty, their socioeconomic backwardness adds another dimension.

The Government of Bangladesh aims at modernizing and mainstreaming madrasa education as an expressed policy objective. This is also reflected in the Government's Poverty Reduction Strategy Paper, as the madrasas mainly serve the poor and rural children of Bangladesh and very much lag behind the mainstream education in terms of teaching and learning quality. The Government of Bangladesh has taken policy initiatives through district administration to introduce ICT-based madrasa education in selected institutions. This policy has important implications for improving both the accessibility and quality of secondary schooling through madrasa education in rural Bangladesh.

Madrasa-based education is lagging behind other sectors of education in Bangladesh. To achieve the MDGs, as well as to materialize the declaration of building an ICT-developed country, the present democratic government of Bangladesh has taken some unprecedented initiatives, like easy access to information, service at the doorstep, women's participation in the decision-making process, and introducing e-learning activities in every sphere of life to attain Vision 2021,

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including modernization of the total education system. A recent survey shows that there are 9,215 madrasas in Bangladesh, and, of the total students enrolled at secondary level, 17.9% are in the madrasas. But madrasa education has yet to receive proper policy guidelines for its modernization and to undo the general perception that this system generates anti-Western sentiments and harbors extreme religious beliefs and practices. There is a perception in Bangladesh and in Western countries that graduates from madrasas are not part of broader society in terms of skills, employment, social engagement, and social inclusion; hence, they generate some kind of undefined social divide and discrimination. Considering the complex social issue, the Government of Bangladesh has taken initiatives to modernize the madrasa education system.

This case is about a madrasa modernization project in Kachua upazila in the district of Chandpur. The Kachua upazila is a densely populated area. Currently 35 madrasas are operating in this upazila, and around 9,000 students are studying in these madrasas (ADC General, Chandpur). The district administration took some special interest and attempted to identify what the students do after they finish their education. It was found that the graduates are engaged in unproductive roles such as imams of mosques (the person conducting prayers); muezzin;* and teachers of small, unregistered religious schools. Therefore, the modernization project intends to make these students self-reliant and make them interested in ICT to ensure their involvement in productive work rather than their engaging in traditional activities.

There are many studies related to the modernization of the madrasa system in Bangladesh, but the upliftment of the lives of madrasa students has received very little attention at home and abroad. The impact of alienation of madrasa students has not been fully examined. So, it has become imperative to explore the potential of these madrasa students with the help of information technology. The district administration has formulated strategies to introduce ICT centers in five madrasas of the Kachua upazila, exploring the potential of madrasa students in the competitive job market within Bangladesh. The objectives are to bring the selected madrasa students to the mainstream standard, introduce the madrasa student to the concept of ICT, ensure that they find new ways to improve their potential to get out of their present identity crisis, and assist madrasa students for new employment opportunities after the completion of their studies.

The project period has been defined for 1 year (July 2011–July 2012), and implementation is in progress. The fund for equipment has been collected mainly from the community stakeholders, such as members of the managing committee, local elites, and patrons of the institutes, as well as well-wishers. The estimated cost per madrasa has been estimated at BDT 300,000 ($3,750). The initial paperwork and site selection for the six ICT centers have been finalized by the district administration. The intended goals of setting up ICT centers in madrasas are to provide orientation for the neglected madrasa students so that they can understand the benefits of the modern education system, join the information superhighway (which would increase their income-generating opportunities), make the madrasa students a resource rather than a burden on the society, enhance their level of confidence so that they could cope with the incessant challenges of life, create the opportunity for local people to get involved in the service of the ICT centers, and harmonize the alienated relationship between the madrasa students and the local people.

There are two types of madrasas in Bangladesh: state-regulated private madrasas, known as Aliyah madrasas, and independent private madrasas, popularly known as Quomi madrasas.† In both cases, these madrasas are less regulated and monitored by the state governing body than

* A muezzin is the chosen person at a mosque who leads the call for prayers, five times a day.

† Madrasas not regulated by the Bangladesh Madrasa Education Board are Quomi. As private charitable organizations, Quomi madrasas are run exclusively on donations.

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are the secondary and higher secondary education system. Modernization of curricula and infrastructure, including the physical location of these religious institutions, could create more employment opportunities for the graduates from these institutes. Due to the problem with the curricula and teaching mode, the skills they gain are incompatible with demands of the twenty-first century. This problem is prominent for the private-owned madrasas. The governing body of the madrasas is headed mainly by the elderly religious clergy or local social leaders (matabor), regardless of their education. They lack social vision and genuine ideas about a modern education system, including ICT. Their traditional values and ideas and reluctance to accept ICT-based madrasa education create a hindrance.

Moreover, the impression of donor agencies is not positive, and hence it restricts the sector's receiving grants and other resource support, such as equipment support, foreign training, study tour, and so on. Some changes have occurred in recent years. The country's telecom infrastructure is poor, and the broadband network is not widespread. As most of the madrasas are located largely in rural areas, the only way to get access to the Internet is through mobile phones, which are too slow, as the mobile phone network is still 2G. The power supply is another problem, and a huge investment, as either installing a solar system or generating electricity by themselves is required to ensure uninterrupted power supply.

The supervision of ICT centers and the proper use of the facilities are the main concerns. The madrasa authorities have no interest in making the ICT centers effective. The psychic distance of the members of the management committee and other patrons was a real barrier. One other barrier was the absence of bipartisan support for such initiatives. The negativity of the main opposition party has acted against such a social development initiative. Despite various benefits of an ICT-based education, ICT centers in five madrasas could not make any significant dent in the social psychology of the management committee members and other support groups in Kachua. Lack of a positive attitude of the donors for providing equipment for the ICT centers also affected the progress and continuous improvement that could make a difference (ADC Chandpur). Backwardness of the local people and the apathy of the managing committee members toward ICT, coupled with the traditional values and ideas of the stakeholders, added additional constraints. In rural areas, there is an acute shortage of electricity. ICT centers do not get the power supply required, and the management team finds this an excuse for not utilizing the facilities that have been installed. There is a need for high-speed Internet connection to properly use ICT facilities and to maintain Internet connections with nationally broadcast education programs tailored for rural and remote students.

## 17.5 Case 4: Establishing a Disaster Management Information Center

Bangladesh is extremely vulnerable to natural disasters because of its unique geographical location and topography and the ineptness of its society and institutions at coping with such frequent events. With an area of about 1,47,570 square kilometers and a population nearing 160 million, the country lies within the tropics and is the largest delta in the world, which is formed by the mighty rivers of the Ganges, the Brahmaputra, and the Meghna. The physical characteristics of the land, the geographic location, the multiplicity of rivers, and the monsoon climate render Bangladesh highly vulnerable to natural disasters, such as floods and cyclones. Floods and cyclones inflict losses almost every year, creating a major setback to the sustainable development of the country. The Government of Bangladesh, with its Poverty Reduction Strategic Paper (PRSP) and

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Disaster Management Bureau (DMB), has been trying to reduce poverty, considering that there is a link between natural disasters and poverty. Given the country's geographical location and level of economic and infrastructure development, poverty and risk reduction have become almost synonymous in a disaster-prone country like Bangladesh. The adverse impacts of all the natural hazards affect the socioeconomic condition and need to be reduced for sustainable development.

The Government of Bangladesh established the DMB in 1993 under the Ministry of Food and Disaster Management to provide services to different levels of stakeholders. The DMB is a professional unit established at the national level to perform specialized functions, working in close collaboration with the district, upazila-level administration, and the concerned line ministries, under an overall authority of a high-level interministerial committee.

The mandates of DMB are (1) act as a facilitator and depository of all disaster management-related information; (2) maintain inventory of skilled disaster management personnel; (3) promote awareness-building activities; (4) establish monitoring units to monitor disaster preparedness activities through district administrations; and (5) maintain coordination with line departments/agencies and Nongovernment Organizations (NGOs). The revised Standing Orders on Disaster (SOD 2010) give specific mandates to DMB to manage disaster information effectively.

To enhance disaster management coordination through improved facilities and information-sharing capabilities, the Government of Bangladesh has undertaken initiatives to establish a Disaster Management Information Center (DMIC) within the existing facilities of the DMB to remain operational during periods of normalcy and emergency. The main objectives of the DMIC are:

- Developing an information strategy, identifying the diverse user/s, with their information needs and DMIC information products
- Developing a process of capacity building within the Ministry of Food and Disaster Management (MoFDM) to produce required information products and mapping out primary sources of information relevant to vulnerability (including gender) and disaster management
- Designing and disseminating of information products, equipping DMIC with ICT capability to facilitate effective information management during normal and emergency periods
- Training of MoFDM staff on ICT under a single professional development plan

The main task of the DMIC is to enhance disaster management coordination through improved facilities and information-sharing capabilities during normal and emergency periods. A 24-hour monitoring of major disaster information across the globe, which provides disaster management departments with timely and reliable disaster information, has initially been put in place. Presently, the DMIC is located on the 6th floor of the Disaster Management and Relief Bhaban, with an operational room for ICT equipment that facilitates communication with the stakeholders. To dispose its responsibilities, the DMIC has been equipped with necessary computers, telecommunications, and office equipment; trained staff to use the hardware and software (MoFDM and field staff); and standard operating procedures developed based on the operationalization of an emergency operation center (EOC) at the national and district levels. Based on a nationwide needs assessment, a national-level DMIC has been established, with the latest ICT facilities linked to the upazila level. Different directorates, departments, and agencies have access to the services of the DMIC. Considering that the physical establishment is insufficient to ensure the right information at the right time for the right people, an operational committee has been formed. The committee is chaired by the director general of the DMB and representatives from key agencies such as meteorology department, the water development board, and the host ministry, MoFDM.

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### *17.5.1 District and Upazila-Level DMIC*

The district relief and rehabilitation officer (DRRO) and the project implementation officer (PIO) are the member secretaries of the district- and upazila-level disaster management committees (DMC), respectively. Those offices were not at all ready to receive, report, and disseminate disaster information before the establishment of DMIC at these levels. All the district offices and more than 60% of the upazilas are now ICT-enabled at a cost of $1 million. A typical unit of DMIC at this level consists of a computer, printer, photocopier, fax, scanner, wireless Internet connection, and uninterrupted power supply.

### *17.5.2 Institutional Capacity Building*

Use of ICT was very limited within the MoFDM and its field offices. To build a sustainable training facility, a "Training of Trainers" (TOT) course was designed and conducted for the MoFDM and its ICT professionals. The TOT participants conducted the ICT skills training along with some outsourced training providers; ICT training was provided to more than 400 government officials, with most of them from the field level. To meet the mapping need during pre- and post-disaster periods, a Geographic Information System (GIS) unit equipped with necessary hardware and software has been established within the DMIC. This unit provides services such as thematic maps, a Disaster Incidence Database, a GIS-based Household Risk Reduction Program Management System, and a GIS-based data management system for identifying cyclone shelters with relevant attributes.

To strengthen capacity, the comprehensive disaster management program (CDMP) signed a memorandum of understanding with the Bangladesh Meteorological Department (BMD) and established communication networks with all of its 35 met observatory stations. As per the agreement, CDMP upgraded all stations and replaced the single-sideband* (SSB)–based data transmission system with an Internet-based data acquisition system. These stations are now computerized to fetch real-time data from the stations. To ensure wider access of weather-related information to the people, CDMP assisted BMD in designing and developing its Web site, which is frequently updated (http://www.bmd.gov.bd). In return, DMIC availed the permission of utilizing its early warning (EW) information to its more than 500 stakeholder organizations and user groups (Table 17.4).

**Table 17.4 Media of Early Warning Dissemination**

| *Level* | *Media* |
|---|---|
| National, district | Web, email, fax, SMS, interactive voice response (IVR), courier, HF/VHF radio |
| Upazila | Fax, SMS, IVR, HF/VHF radio, courier<br>Web, email in some agencies |
| Union | SMS, IVR, HF/VHF radio, courier |
| Community and households | SMS, IVR, AM/FM radio, television, meetings |

*Source:* Based in part on DMIC Need Assessment Report 2006.

* Single-sideband modulation (SSB) or single-sideband suppressed-carrier (SSB-SC) is a refinement of amplitude modulation.

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DMIC created in-house facilities to receive global and in-country warnings, disseminate warnings from national to grassroot levels, disseminate warnings at the local community level, and collect and process pre- and post-disaster data. CDMP supported the Cyclone Preparedness Programme (CPP) with hardware and software to improve the community-alerting capability for the organization as well as the program volunteers. The hardware support included notebook computers, printers, photocopiers, fax machines, landline connections, desktop computers, uninterrupted power supplies, local area networks, life jackets, emergency rescue kits, first-aid kits, solar panels, super megaphones, hand sirens, torches, and AM/FM radios. The CPP unit staff were provided with two ToTs (3-day-long introductory disaster management training courses and 2-day-long tsunami early warning training courses), further rolled out among their volunteers. CDMP also provided one-day orientation training on tsunami and earthquake search and rescue to 38,500 CPP volunteers. CDMP also supported the development of 6,500 new volunteers for the coastal districts hit by the Sidr and Aila* cyclones. The CPP volunteers took part in different early warning drills organized and supported by the project.

A disaster management information portal was created to share, coordinate, and disseminate disaster management information, programs, and guidelines from sources down to the last mile. This web portal is used to collect, analyze, and disseminate information for risk reduction and emergency response. This web portal assists in establishing data communication network to link the DMIC with government agencies, NGOs, and other organizations at regional, national, and local levels. The web portal (http://www.dmic.org.bd) is an organized common platform to capture, organize, and share the knowledge of disaster management and to create a versatile interface among policymakers in the government and disaster managers at all administrative levels.

### *17.5.3 Flood Warnings on Cell Phones*

Sirajganj is a one of the low-lying districts surrounded by the river Jamuna† in the northern part of Bangladesh. Flooding in this area often causes massive loss to crops, livestock, and properties. Distance from the district or subdistrict headquarters, with poor infrastructure and communication facilities, creates immense challenges to providing early warning information for impending flood. Stressing the need for early information on flood, Yunus (a village farmer) said,

> Flood is a natural occurrence. It happens almost every year in this area. We cannot stop it. But if we get a warning, we can minimize the loss. If we have the information we can prepare for coming flood, for example, we can take our livestock to higher ground or store some food for the next few days.

With technical support from the CDMP, the DMB has been piloting an initiative using the cell broadcast system‡ (CBS) to disseminate early warnings to people and communities at risk

* Cyclone Aila was the second tropical cyclone of the 2009 North Indian Ocean cyclone season. A relatively strong tropical cyclone caused extensive damage in India and Bangladesh.

† The Jamuna River is one of the three main rivers of Bangladesh. It is the main distributary channel of the Brahmaputra River, as it flows from India to Bangladesh. The Jamuna flows south and joins the Padma River, near Goalundo Ghat, before meeting the Meghna River near Chandpur. It then flows into the Bay of Bengal as the Meghna River.

‡ Cell broadcast (CB) messaging is a mobile technology feature defined by the ETSI's GSM committee and is part of the GSM standard. It is also known as short message service-cell broadcast (SMS-CB).

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from flood and cyclone. With the partnership of two cell phone operators, Grameenphone* and TeleTalk,† CBS was piloted in two districts, Sirajganj and Cox's Bazar, for early warning. Warning messages are collected from Flood Forecasting and Warning Centre (FFWC) and Bangladesh Meteorological Department (BMD) and published through cell broadcasting. This initiative has improved the overall effectiveness and timeliness of disaster preparedness and response in Bangladesh by strengthening early warning systems, national management capacity, and coordination facilities at all levels. For remote communities in the Sirajganj district, information about present water level and 72-hour forecasting of the river Jamuna is now available through cell phone messaging. This community warning system has led to improved and more effective early warning, response, and relief management in 40 high-risk districts.

"Because of the early warning messages for impending flood on my cell phone, I could save my crop and store for the flood this year," Yunus Ali stated, expressing his experience during the 2010 flood season. One evening during the monsoon season, he received a message on his cell phone informing him that the Jamuna was flowing above danger levels and that the situation would aggravate further in the following 72 hours. "I could guess that the flood situation will worsen in the coming days and the crops in my field will be destroyed. I gathered everyone to harvest my crop." Describing his action, he added, "I also mounted the pesticides and fertilizer shelves on higher ground for keeping them above flood water."

Reflecting on the importance of this initiative, Yunus Ali said,

> This is the first time we received warning messages directly. It was sent to us few times to get our attention. Because of this message everyone from our village could take the necessary steps to save our properties. If we get this type of warnings every time about flood, we will able to minimize our loss.

DMIC established a portfolio within the DMB that needs to work more closely with other departments to overcome administrative chaos. The problem also remains in coordination among multilevel organizations. No contingency plan has been developed for dissemination of early warning at the community level, alerting specific user groups, and providing real-time information. No well-devised action plan is in place to translate objectives into action. Technically trained people are not utilized effectively; thus, the knowledge gained through training is being lost. A regular monitoring mechanism has not been devised, and no instrument has been developed to measure accountability. Local-level units are irregular in sending information to the central hub. Specific activities to facilitate DMIC are not included in the terms of reference to Project Implementation Officer (PTO)/Upazila Nirbahi Officer (UNO).

Despite the presence of many services, their effectiveness is yet to be evaluated. Most of the services are dependent on the Internet, but Internet access, especially for the rural community, is very low. Poor access to Internet-based warning systems is preventing people from getting information and from taking preventive measures before a disaster occurs. The DMIC can become useful with introduction of Internet in remote areas and cultural adjustment. During a disaster, the worst-affected groups seem to be predominantly rural poor and women. Central government as well as local government agencies and NGOs require hazard-related information to be effective in risk reduction, emergency response, and rehabilitation measures. These institutions can play an

* Grameenphone, widely known as GP, is the leading telecommunications service provider in Bangladesh. With more than 37.7 million subscribers, Grameenphone is the largest cellular operator in the country.

† Teletalk Bangladesh Limited, brand name Teletalk, is a GSM-based state-owned mobile phone company in Bangladesh.

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important role in alerting community members so that necessary measures can be taken toward saving the vulnerable people. The extensive use of mobile phones has created an e-infrastructure for SMS and cell broadcasting services.

## 17.6 Case 5: Performance of Headmen Offices for Better Governance and Land Management

Khagrachari is a hill district located in the Chittagong Hill Tracts (CHT).* CHT lie in the southeastern part of Bangladesh bordering India (the states of Tripura and Mizoram) and Burma (Myanmar). Formerly, the CHT were a single unified district, but administrative reorganization in recent decades has led to its division into the three districts of Khagrachari, Rangamati, and Bandarban. These districts have been divided into various subdistricts (upazilas). The CHT have a number of features that distinguish them from the rest of Bangladesh. Its hilly and forested terrain is suitable for jum or swidden cultivation (Adnan and Dastigir 2011). These three districts are inhabited by indigenous peoples consisting of ethnic minority groups whose appearance, languages, and cultural traditions are markedly different from those of the Bengali-speaking people who constitute the overwhelming majority. These ethnic groups are commonly known as tribal people.

Twelve or more different ethnic groups have been distinguished among the tribal population of the CHT. The most numerous are the Chakma, the Marma, and the Tripura. Among the other groups are the Mru (or Mro), the Tanchainghya, the Bawm (or Bom), and the Khumi, the Khyang, the Lushai (or Mizo), the Pankho, and the Chak. Some scholars also regard the Riang, the Murang, and the Kuki as distinct ethnic groups of the CHT (Mohsin 1998).

The CHT comprise reserved forest, the circle of three chiefs, that is, the Chakma chief, the Bomang chief, and the Mong chief. These three chiefs are known as Raja (King). Khagrachari Hill District is in the Mong circle. The land administration in CHT region is quite different from land administration in the rest of the country. It is purely a tribal area, though Bengali settlers from the plains are rehabilitated here through government initiatives. The total administration is run in accordance with the CHT Regulation of 1900, introduced by the British regime. Land survey, the basis of land administration, has not yet been completed in CHT. There is no union land assistant officer (ULAO) appointed by the government. In the other 61 districts of Bangladesh, there are ULAOs. In these three districts, there are headmen who perform the tasks of the ULAO. The headmen are appointed by the deputy commissioner (CEO of a district) in consultation with the circle chief (Raja). They get a monthly lump sum amount as an honorarium. In the 1990s, the CHT Accord was signed between the tribal communities and the Government of Bangladesh, addressing the political and ethnographic issues that generated tension between the Bengalis and the tribal people. One of the key features of the accord is devolution of power to local self-government institutions of the CHT through Hill District Councils (HDC) and the Regional Councils (RC). A Land Commission was set up to resolve the land ownership and management problems in the CHT. Successive governments in Bangladesh took policy initiatives to settle the Bengali population from the main land. State acquisition of private and common lands of tribal people, forcible occupation of the private and common lands of tribal people by Bengali interest groups,

* The CHT comprise an area of 13,295 square kilometers in southeastern Bangladesh, bordering India and Myanmar. They formed a single district of Bangladesh until 1984, when they were divided into three separate districts–Khagrachari, Rangamati, and Bandarban. Topographically, the CHT are the only hilly areas in Bangladesh.

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and acquisition of lands given to Bengali settlers have changed the ownership and complicated land management in the CHT (Adnan and Dastigir 2011).

The total land area of a hill district has been subdivided into mouzas* (wards). In each mouza, there is one headman who works under personal supervision of the circle chief to ensure collection of revenue, preserve public peace, and facilitate good local administration. The mouza headman regularly collects revenues due from the tribal people and the Bengali settlers who cultivate or own land in that mouza. The headmen give information to the deputy commissioner of any changes in the position of villages, the population, or changes in the extent of cultivation within their mouza. A mouza consists of one or two villages. There are 121 mouza headmen at present in eight upazilas of the Khagrachari Hill District. However, except a few, the headmen have no office and logistic support to discharge their duties. For example, they get only BDT 300 ($3.75) as honorarium per month from the government. Headmen have control over 38% revenue of the grove land (third-class hills) under their jurisdiction. The circle chief, the supervising authority, gets a consolidated honorarium of BDT 5,000 ($62.50) per month. Though the headmen are part and parcel of the local land administration, they get no contingency allocation, travel allowance (T/A), or daily allowance (D/A). They do not have any supporting staff, though their charter of duties is wider than the ULAOs. Usually they use their residence as their office. The headmen do not have proper institutional qualification or certificates. For example, of the 121 headmen in the Khagrachari Hill District, only 15 have a secondary school certificate (ADC Revenue, Khagrachari, June 3, 2012).

Land management is a critical political and social issue in CHT. Delivering a good governance infrastructure and improving the land management system are two vital tasks for the district administration in the hilly districts. To enhance the managerial capability and knowledge, negotiation skills, and improve the service delivery by such personnel, a project was taken by the the Khagrachari District administration. The purpose was to create a functional and effective local-level land management and governance system. The main objectives of the project were to make the headmen conscious of their duties and responsibilities; enhance the standard of public service delivery process by the headmen; expedite the capacity and competence of the headmen; introduce them to different laws and regulations through training on modern office management, such as primary IT knowledge, the newly established Union Information Service Centres (UISC), equipment use, and maintenance; and make the headmen appreciate the basic concept of land survey and its procedure (Khagrachari District Administration, May 2012). The district administration took a consultative approach and involved key stakeholders in the region in planning and implementation of the project. The stakeholders were inhabitants of the mouza, the headmen, employees of land administration, the circle chief, the executive of the Zila Parishad† (district council), members of the Upazila Parishad and the Union Parishad,‡ the law-enforcing agencies, and the public officials at the upazila and the district administration.

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* A mouza is a type of administrative land management unit, corresponding to a specific land area within which there may be one or more settlements.

† Zila Parishad is a local government body at the district level in Bangladesh. It is a representative body at the district level, and its office is located at the district headquarters.

‡ Union Parishads are the smallest rural administrative and local government units in Bangladesh. Each union is made up of nine wards. Usually one village is designated as a ward. There are 4,451 unions in Bangladesh. A union council consists of a chairman and 12 members, including three slots exclusively reserved for women. Union Parishads are formed under the local government (Union Parishads) Act, 2009. The boundary of each union is demarcated by the deputy commissioner of the district. A union council is the body primarily responsible for agricultural, industrial, and community development within the local limits of the union.

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Two workshops held in March and September of 2011 involving the headmen were arranged by the Land Reform Board, Government of Bangladesh. On both the occasions, it was felt by the local land and district administration that the key players in land administration–that is, the headmen–lacked the required capabilities for smooth functioning of the official procedure. The district administration planned for a suitable project to strengthen the office of the headmen. At present, there are 121 headmen working in the eight Upazilas of the Khagrachari Hill District. The Panchari Upazila has the lowest number of headmen, only seven. The district administration primarily decided to initiate a pilot project to strengthen the setup in seven headmen offices at the Panchari Upazila. The Panchari Upazila is close to the district headquarters. A nearby location was selected to monitor and supervise the implementation procedure (ADC Revenue, Khagrachari, June 2012).

The district administration crafted an implementation plan. A 6-month-long action plan was designed. Necessary resources were organized through negotiation with public, community, and donor agencies. A citizen charter was developed for each headman's office. Some intensive training sessions were conducted for the headmen, focusing on necessary laws, regulations, and office management, including elementary IT use. They were trained on how to communicate with the related government offices, Union Parishads, and other local government bodies and development partners through upazila and district administration and on physical and logistic support.

A decision was made to provide at least one personal computer to each headman allocated from the Local Government Support Project (LGSP) of Union Parishad and ADP (Annual Development Plan) of Upazila Parishad. A project monitoring and evaluation mechanism was developed to improve the governance capability of headmen in the Khagrachari district, as follows:

- Monthly progress report in prescribed form from the headmen to UNO
- Preproject and postproject evaluation by the advisors and the implementing body
- Regular discussion at the monthly meetings of the Upazila Development Coordination Committee at the Upazila Parishad, the district revenue conference, and the district commissioner's office
- Evaluation of standard and volume of service delivery by the headman offices in some selected areas via enquiry report, land mutation proposal, permanent residence certificate, and successor certification
- Assessment of changes in dispute resolution, land case filing, and land revenue collection by the headmen in their respective areas
- A provision was made for a written evaluation test after completion of each training session

### *17.6.1 Absence of a Strong, Effective Land Administrative Setup*

Unlike the land administration in the other parts of the country, the CHT lack a conventional land administrative setup. As per the Hill Tracts Regulation (HTR) of 1900, which is still the key act for CHT, the headmen are the key persons in land management. However, they are not officially provided with any support staff for disbursing their duties. There is no logistic support such as vehicles, or technical assistance, even though they are often asked to travel to the remotest places for inquiry. They sometimes submit reports without verifying them to avoid the monetary expenses and physical labor. These types of fake

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reports very often lead to many land disputes that disturb the smooth functioning of land management and administration.

### *17.6.2 Absence of Coordinated Land Law*

CHT are still governed by the HTR, but in other parts of the country, land management issues are dealt in accordance with "The State Acquisition and Tenancy Act of 1950" and many other rules and circulars, which are not applicable for CHT. This is not only contrary to the country's constitution, but it is also a hindrance to equal service delivery of the Government, and this disparity also causes problems for officials who are not acquainted with provisions of HTR and the conventional practices of the CHT.

### *17.6.3 Land Survey Is Yet to Be Done in CHT*

It may sound absurd that this part of Bangladesh is not yet blessed with the fundamental survey comprising the title/ownership of landowners/occupants, though all other parts were surveyed nearly two centuries ago. On the consensus of all interested groups in the CHT and addressing of the conventional land right of the hill people, an updated settlement operation is a basic need, and if it is done honestly, major barriers for proper land management will be removed, and good governance in the CHT can be expected.

### *17.6.4 Absence of Regular Land Management in Every Upazila Parishad*

There are only three Upazila land offices in Khagrachari, three in Bandarban, and two in the Rangamati district. There is no land office at the union level throughout the CHT. People have to go to the district headquarters or the Zila Parishad (district council) for land mutation cases.

### *17.6.5 Land Settlement*

Land settlement in the CHT has been barred for a long time after the signing the historic Peace Accord in 1997. A flock of land grabbers from both the tribal and nontribal community are taking this opportunity and occupying a huge amount of land, depriving the original occupants/owners. As a result, the number of landless and homeless people is increasing in the CHT almost every day. This makes law and order situation difficult. This also generates tension in the region. Mistrust, fear, and misunderstanding among the ethnic minority create a culture of exclusion affecting the social and economic development process.

### *17.6.6 Restriction for Land Transaction*

Although there is no clear restriction in the Peace Accord, there is a convention against land trade with nonresidents and nontribal people, but it does not prevent them from becoming owners of large blocks of land. An unholy alliance between the tribal chiefs, land officials, and public representatives in some cases facilitates land grabbing (Adnan and Dastigir 2011). The provision of taking prior permission from the concerned Zila Parishad is not enough to mitigate this problem. In fact, tribal people can buy land anywhere in Bangladesh, but a nonresident Bengali cannot be a land owner in the CHT. This contradicts the articles in the Bangladesh Constitution with regard to human rights.

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### *17.6.7 Communication Barrier*

Most of the tribal groups outside the urban region in CHT do not have language skills to communicate with nontribal groups. The government officials in many cases have no tribal language training. The ethnic language, culture, religion, food habits, and lifestyle are completely different from that of the citizens of mainland Bangladesh. After working in the CHT area for a long time, they become used to communicating with them. An effective Land Dispute Resolution Commission becomes necessary. The government has formed a high-powered Land Dispute Resolution Commission headed by a retired high court judge, accompanied by the regional council chairman, three Hill District council chairmen, three circle chiefs, and the divisional commissioner, Chittagong. It is not functioning very well due to noncooperation and political bias.

Resolving land disputes is one of the key issues of the CHT Peace Accord 1997.* A well-equipped headmen setup can contribute to a great extent in implementing the resolution in CHT. Besides, the present government's plan for a Digital Bangladesh in line with its Vision 2021† emphasizes digitization of land management and administration. In addition, an enhanced headmen setup in the hill tracts region will help government achieve this goal. If this pilot project succeeds, it can be replicated in the whole of CHT to address the ongoing problems and dilemmas regarding land litigation. The action plan is prepared to testify the probability and prospect of minimizing the crisis through developing existing human resources. It may not be the panacea, but it may usher in light at the end of the tunnel, as the old system passed its due date long ago.

## 17.7 Case 6: Structure and Management of Upazila Administration

The expectations of people from the government elected in 2009 are very high, as the party in power promised to bring changes in governance. Following victory in the election, the government promulgated the Upazila Parishad Act, 2009. The pervasive feeling of the political commentators and the constitutional experts is that the act contradicts the spirit of the constitution. There is widespread apprehension that the new law retaining the supervisory powers of the Members of the Parliament (MP) may eventually turn the Upazila Parishads into dysfunctional organizations as the Upazila Parishads are elected bodies.

Decentralization has long been identified as a means of strengthening democracy and achieving participatory governance. With the rise and spread of market and democratic principles, a renewed interest in decentralization in developing and transitional countries has occurred. Bardhan and Mookherjee (2006), studying eight developing countries, emphasize that improving public service delivery and reducing poverty depends on the political and economic context as well as on how decentralization is designed and implemented. Agrawal et al. (1999) identified three connected pillars to make decentralization successful: management of political relationship—political leaders committed to pursuing decentralization, creation of institutional mechanisms at the local level,

* The CHT Peace Accord is a political agreement and peace treaty signed between the Government of Bangladesh and the Parbatya Chattagram Jana Sanghati Samiti (United People's Party of the Chittagong Hill Tracts), the political organization that controlled the Shanti Bahini militia. The accord allowed for the recognition of the rights of the peoples and tribes of the CHT region and ended the decades-long insurgency between the Shanti Bahini and the government forces.

† Vision 2021 was the political manifesto of the Bangladesh Awami League party before winning the national elections of 2008. It stands as a political vision of Bangladesh for 2021, the golden jubilee of the nation.

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and management of information flows and capacity building to produce goods and services for the people. Strengthening the local governance is the only way to reap benefits of decentralization.

Local government institutions are recognized as instruments to achieving decentralized administration, participatory planning and development, as well as a means of institutionalizing democratic norms and practices. In Bangladesh, dichotomy in governance occurs due to presence of local government institutions and administrative units in the field. Again, in Bangladesh, local government "has been more an area of policy experimentation than one of stable institutional development" (Rahman and Islam 2002, p. 154). Successive governments have experimented with the local government system with a view to achieve their political goals, but, unfortunately, no government has shown the political intent and commitment to strengthen local governance to accelerate the pace of development. As a result, local government bodies "have not been able to emerge as 'self-governing' units, but have remained under the control of an all-powerful national government" (Khan 2000, p. 109). At best, what has occurred is only administrative decentralization, and not representative, autonomous, or participatory local government institutions. The policymakers of the country seem to ignore the rising demand for an autonomous local government system.

The demand for a functional, autonomous local government at the upazila level has been there for quite some time arising from local politicians, civil society members, donors, and the Upazila Parishads. The social as well as political consciousness of the people has risen, and the demands for better governance are getting stronger day by day. Now the focus is not merely on local *governments* as project implementing agencies. It is rather on local *governance* as a political and institutional process that can contribute to the required scaling up of the rate of poverty reduction through enhancing the developmental choices available at the local level and a better inclusion of all social groups in these choices (Rahman and Islam 2002, p. 154). However, the promulgation of the Upazila Parishad Act, 2009, retaining the provision of MPs' advisory role, which is binding in nature, seems to be a legislative control over local-level democratic governance. The present law is a revised version of the previous act (Act No. 24 of 1998) that the same government enacted while in power in 1998.

The widespread demand from different quarters for an autonomous local government system led the Awami League government to promulgate the Upazila Parishad Act, 1998, which also included the provision of the MPs' mandatory supervisory role in the Parishad. But the non-party caretaker government* (CTG) amended the law by scrapping this controversial provision. However, the present government, instead of ratifying the ordinance promulgated by the CTG, has enacted the Upazila Parishad Act, 2009, by adding more legislative control over local-level development activities. As soon as the law was enacted, it not only caused discontentment among the newly elected upazila chairmen but also ignited widespread controversy. The inclusion of the article empowering the MPs may constrain participatory governance at the lower level of administration. This law may affect the empowerment of local democratic institutions undermining the objectives of decentralization. Any intervention by legislators will debilitate the local government system.

There is a debate as to whether the policymakers should also be part of policy implementation. Experiences show that if policymakers are policy implementers, there is a high probability

* The CTG of Bangladesh is a form of government system in which the country is ruled by a government for an interim period during transition from one government to another. As the outgoing government hands over power, the CTG comes into place. Members of the CTG do not belong to any political party, nor are they allowed to contest in elections.

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that policies formulated would reflect the view and serve the interests of a powerful few. This also creates avenues for corruption. If MPs are too involved in local-level issues, there is every chance that it will distract their attention from legislating and from a whole range of oversight functions they are required to carry out as members of parliamentary standing committees.

The present structure of the Upazila Parishad as envisaged in the newly formulated law virtually makes the Parishad accountable to the respective MP. The law makes provision for the MPs' advisory role, and their advice is mandatory for the Parishads. The act also enumerates that Upazila Parishads must not communicate with the government directly without prior notice to the concerned MPs. Moreover, the act requires the Parishads to submit minutes of each meeting to their respective MPs within 14 days of the session. In essence, instead of nurturing democracy, this act has made Upazila Parishads fully accountable to their respective MPs. Kabir (2009) anticipates that the clauses empowering the MPs will promote autocracy in the psyche of the respective MPs in the Upazila Parishads.

The provision of the MPs' role in the Upazila Parishads is also termed unconstitutional by many. Shamsul Huda, former Chief Election Commissioner, opined that vesting MPs with such powers is unconstitutional (bdnews24.com, April 6, 2009). The prime duty of the MPs is to formulate and modify various legislations with a view to administering the country in righteous ways supporting the people's aspirations. Yet, the fact is that MPs become accustomed to controlling development activities at the local level in the absence of upazila councils. Despite severe criticism by and vehement opposition from the legal experts as well as the civil society, the MPs materialize their desire of wielding broad control in the functioning of Upazila Parishads, thereby hindering participation of local-level leaders and CGs in social and economic development.

Article 59 of the Constitution lays down that the functions of the local governments to be prescribed by the act of Parliament may include preparation and implementation of plans relating to public services and economic development. Article 60 of the Constitution stipulates that "Parliament shall, by law, confer powers on the local government bodies… including power to impose taxes for local purposes, to prepare their budgets and to maintain funds." The functions and powers of local government bodies as per Articles 59 and 60 make the Parliament constitutionally bound to provide Upazila Parishads with full autonomy. The present structure undermines the autonomy of the Parishads and hence goes against the spirit of the Constitution.

The involvement of MPs in the past in local development works led them to be involved in all-pervasive financial corruption. Their excessive involvement in local-level development process seriously hampered development activities. The present structure of Upazila Parishad with MPs' involvement will not be congenial for development. Since the Parishads will, to a large extent, depend on the respective MPs, participatory decision making will be a rarity. The involvement of MPs has just added another layer in the decision-making process, and this will give rise to administrative complexity slowing down the pace of development and making the local bodies dysfunctional.

In the present structure, conflicts of interests are likely to occur, as both the upazila chairman and the MP could fight for establishing control over local resources and their allocation. In addition, the field-level bureaucrats will also try to assert their presence in the allocation of resources. A tripartite struggle over resources may ensue, leading to deadlock in the administrative and development activities. There are also apprehensions that in conflicting situations the MPs may form alliances with the field-level bureaucrats, resulting in bypassing the elected representatives and undermining the very objectives of the local government system. Empowering and strengthening the local government is one of the major preconditions for strengthening the foundations of democracy. The involvement of legislators in local, social development project selection

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and control over implementation reduces the autonomy of Upazila Parishads and discourages citizen participation.

## 17.8 Conclusion

The cases discussed above demonstrate that the Government of Bangladesh has taken various targeted policy initiatives to strengthen human capacity in the public sector and implement social development policies at various levels to reduce poverty, create employment opportunities, introduce alternative income-generating programs, improve leadership and governance capability of public managers, resolve conflicts between Bengalis and the tribal population living in the hill tracks region, and strengthen local-level institutions. The analysis of the cases by no means provides a comprehensive picture of challenges to achieving social development goals. It covers only a limited ground relating to the role of public sector and its interface with certain segments of the program and policy implementation. This chapter has tried to deal with administrative problems specific to some social development programs. The purpose is to highlight institutional complexities, problems of human resource development, impacts of uncoordinated development initiatives, skill shortages, and complexities of program implementation and its consequence of political interference on local governance.

The establishment of more than 11,000 community health clinics in rural Bangladesh is a praiseworthy public policy initiative. This initiative has created awareness among the poverty-stricken rural population about primary health care, especially for women and children. Despite some problems of management and resource constraints, Bangladesh appears to be on course to meet the MDGs on infant and child mortality. The maternal mortality ratio decreased from 322 per 100,000 live births in 2001 to 194 per 100,000 live births in 2010 (BBS Survey 2010). This program provided immunization to more than 90% of children. Under this program, women were recruited and empowered to actively participate in such an important social development program. Recruitment of trained public health officials and organized targeted training programs for them will improve the service quality. NGOs could be involved in sharing the support services to enable long-term sustainability of this initiative.

Shrimp cultivation has been distorting biodiversity and ecological balance in southwestern districts. Saline water has been destroying the fertility of agricultural land, affecting farmers in the coastal areas. Prawn–rice gher production schemes offered a new agrobusiness as local-level new income-generating projects. This policy will stop the migration of people affected by saline water from rural to metropolitan areas. The Ministry of Fisheries and Livestock has undertaken a program to increase awareness among shrimp-cultivating farmers to switch to prawn–rice gher production. This new agrobusiness will facilitate the growth of other related small businesses supporting the sector.

Introduction of ICT centers in five madrasas is an innovative policy initiative taken by the district administration in Chandpur. Though it is a pilot project, the success of this program will assist the government in introducing e-learning methods in more than 9,000 Madrasas. More than 17% of students at the secondary level, who are mainly from the poorer section of the community, go to these madrasas. A nationwide program will improve their skills, connect them with mainstream education system, and increase their employment opportunities. This program, if implemented, will modernize the madrasa education system and allow students to be more socially inclusive and come out of undefined social divide and discrimination. NGOs and donor agencies are working with the government to improve the ICT infrastructure for these institutions. A more careful

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education policy initiative should be taken to sustain such programs to improve the skills base of a neglected segment of Bangladesh's young population.

The decision to establish the DMIC is an important policy initiative for Bangladesh, as the country is extremely vulnerable to natural disasters because of its geographical location, topography, and frequency of floods and cyclones. The DMIC works with various national-level organizations and in close collaboration with the district- and upazila-level administration. This center is responsible for building capacity within the Ministry of Food and Disaster Management and producing required information relevant to pre- and post-disaster management. Through interministerial coordination, the DMIC designs, disseminates information, and equips relevant districts and upazila-level administering units to use ICT capability. A GIS facility has been created with the necessary hardware, software, and training within the DMIC. The DMIC disseminates early warning information to more than 500 stakeholder organizations and potential victims as it develops communication networks with 35 met observatory stations. The DMIC also provides training to officials under a single professional development plan. By using its ICT infrastructure and extensive mobile phone network, the DMIC undertakes an ethical responsibility in saving life and property. A high-level interministerial committee monitors the progress. The DMIC needs to work more closely with other departments for disseminating early warnings to communities. A well-defined action plan is needed. Most of the services are dependent on the Internet. Bureaucratic procedures and corrupt practices in the public sector in Bangladesh work as a stumbling block for execution of plans toward establishing an Internet-connected network system. Access to the Internet for the rural community is low. The DMIC and NGOs need to work more collaboratively using the existing web portal as a common platform. To get maximum benefits, disaster preparedness needs to be firmly built into the system of economic governance. Development of adequate and preventive social protection systems in events of sudden shock, such as periodic slowdown of productivity, trade activities, and natural disasters, is important for mitigating the adverse effects of disasters (UNDP 2011). It is also necessary to have a long-term plan for addressing risks imposed by climate changes, especially for the coastal areas.

Policy initiatives to encourage inclusive and participatory development process in settling disputes with ethnic minorities in CHT and other tribal populations are necessary to improve social cohesion. In the context of partial fulfillment of the CHT Treaty signed in 1991, it is also necessary to build confidence among the CHT communities, as peace and development are synergetic. Land management is a crucial political and social issue. The district administration in Khagrachari has taken initiative to improve governance infrastructure and land management system. The office of the headmen needs to be fully equipped and empowered so that they can dispose their responsibilities with authority. The politics of land grabbing by local thugs and political elites needs to be addressed with utmost political and economic urgency. The remuneration of headmen needs to be increased using market indexation as a principle, and other support infrastructure should be built around the office of headmen. A half-hearted selective approach will not solve the problems discussed in the case. To enhance managerial capability and knowledge of the district administration officials, land revenue office staff, as well as the social and political elites, special training programs need to be developed to make people understand the economic and political significance of this dispute. A collective understanding for coordinated development programs, a consensus about land ownership issues, and land management is needed. UNDP, the Asian Development Bank, UNHCR, NGOs, and the Government of Bangladesh are working together on various programs. The political leadership needs a more determined, fair, and bipartisan approach to address this problem. Public officials working in the regions do not speak the language, tribal people do not trust public officials, and political elites

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and local thugs terrorize the tribal communities under the umbrella of party power and grab lands by cheating and manipulating the land records because of poor land management system and corruption in land administration.

Weak governance capacity poses problems for creating an accountable and transparent public management system. It also affects administrative capability and efficiency in public expenditure affecting MDGs and measures to eradicate extreme poverty. In Bangladesh, the allocation for social development programs has increased in recent years (UNDP 2011). However, access, leakage, and the impact of social development programs vary due to the level of intervention and degree of local-level participation. Upazilas are the lowest-level administrative unit in the administrative hierarchy in Bangladesh. There are 490 upazilas in 64 districts. Each upazila has an Upazila Parishad. There is an elected upazila chairman along with two vice-chairmen, one male and one female. The chairmen of union Parishads under one upazila are the members of the Upazila Parishads. Preliminary steps have been taken to raise the profile of local governments in policy and development. Local governance needs to be strengthened by stronger systems of public monitoring and inclusive community-driven development. The above evidence also suggests that attempts to strike an appropriate balance among different roles of public managers, civil society groups, and donor agencies often fail to address issues in improving human capacity and governance conditions.

Bangladesh desires to attain a middle-income country status by 2021. There is a need to renew the country's commitment to achieving the MDGs with a marked departure from the institutional and statist approach to a more collaborative approach, allowing civil society groups, NGOs, private sectors, and multilateral agencies to play a complimentary role. An integrated and connected governance approach is needed. Structural continuities on major economic and social policy issues, modernization of governance institutions, and stability in democratic polity are fundamental prerequisites to attain the Bangladesh Vision 2021. The nature of factional politics eminating from the presence of military dictatorship, an illiberal democratic polity, and the dominance of an unholy nexus between the state and the ruling trading bourgeoisie has made Bangladesh very weak and its governance structure dysfunctional. The social reforms initiated by successive regimes in such a political and economic environment have so far accommodated the interests of the contending social groups. The ruling classes in Bangladesh have failed to develop democratic norms and values or to introduce minimum standards of governance practice. There is no evidence of prioritization of even working toward good governance procedures in the administrative or political culture. Civil society institutions, political parties, and trade unions, which are supposed to raise people's consciousness and awareness, are themselves highly partisan. Given the weak nature of accountability of state actors, it is important to strengthen the system of state monitoring and civic advocacy by civil society at large. At the same time, the administrative and leadership capability of the public servants should be enhanced through training and performance management policy.

## References

Adnan, S., & Dastigir, R. (2011). *Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracks of Bangladesh*. Copenhagen: Chittagong Hill Tracks Commission and International Workgroup for Indigenous Affairs.

Agrawal, A., Britt, B., & Kanel, K. (1999). *Decentralization in Nepal: A Comparative Analysis (A Report on the Participatory District Development Program)*. Oakland, CA: ICS Press Institute for Contemporary Studies.

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Alam, Q. (1991). Politics of industrialisation in Bangladesh. PhD dissertation, Flinders University, Adelaide.

Alam, Q. (1994). State and capital accumulation: The problems of capitalist transformation in Bangladesh, *South Asia 17*(1), 43–5.

ADB (Asian Development Bank). (2011). *Asian Development Bank and Fact Sheet.* Manila, the Philippines: ADB.

BBS (Bangladesh Bureau of Statistics). (2010). *Household Income Expenditure Surveys 2010*. Dhaka: Government of Bangladesh.

Bardhan, P., & Mookherjee, D. (Ed.). (2006). *Decentralization and Local Governance in Developing Countries: A Comparative Perspective*. Cambridge, MA: MIT Press.

bdnews24.com. (2009). New law restores MP powers over Upazila. http://www.independent-bangladesh.com/2009040610812/country/new-law-restores-mp-powers-over-upazila.html.

GoB (Government of Bangladesh). (2011). *The National Health Policy*. Dhaka: Bangladesh Government Press, Tejgaon.

Health Systems Development Programme. (2002). *Assessment of the Community Clinics: Effects on Service Delivery, Quality and Utilization of Services*. Dhaka: Bangladesh Government Press.

Hossain, M., & A. Byes, A. (2009). *Rural Economy and Livelihoods: Insights from Bangladesh*. Dhaka: AH, Developing House.

IPCS (Institute of Peace and Conflict Studies). (2007). *Madrasas in Bangladesh* (IPCS special report). New Delhi: Author.

Islam, N. (2004). *Looking Outward: Bangladesh in the World Economy*. Dhaka: The University Press Limited.

Kabir, M.A. (2009). Upazila Parishad Act 2009: A slap for democracy? www.thedailystar.net/newDesign/news-details.php?nid=82731.

Khan, Z. (2000). Decentralized governance: Trials and triumphs. In R. Jahan (Ed.), *Bangladesh: Promise and Performance*. Dhaka: The University Press Limited.

Millat, M., Jahan, M., Hasan, M., Alam K., Hossain, M., & Miah, M. (2011). Status and prospect of community clinic in rural areas of Bangladesh: An overview of health workers. *Bangladesh Medical Research Council Bulletin, 37*, 76–77.

Ministry of Food and Disaster Management. (2010). Standing orders on disaster (SOD). http://www.dmb.gov.bd/reports/SOD_rev_30210%20updated%20on%2004.02.10.pdf.

Ministry of Health and Family Welfare. (2012). Features of community clinics. http://www.communityclinic.gov.bd/features.php.

Mohsin, A. (1998). CHT peace accord: Looking ahead. *The Journal of Social Studies, 82* (August–October), 106–117.

National Health Policy. (2011). *National Health Policy Bangladesh*. Dhaka: Government of Bangladesh. http://www.mohfw.gov.bd/index.php?option=com_docman&task=doc_download&gid=1475&lang=en.

Rahman, H., & Islam, S. (2002). *Local Governance and Community Capacities: Search for New Frontiers*. Dhaka: The University Press Limited.

Samaratunge, R., Alam, Q., & Teicher, J. (2008). The new public management reforms in Asia: A comparison of south and southeast Asian countries. *International Review of Administrative Sciences*, *74*(1), 25–46.

Sen, B., & Yunus, M. (2010). Poverty and vulnerability in adverse ecological environments: Evidence from the coastal areas of Bangladesh. Dhaka: BIDS.

The Budget Speech, June 7, 2012, Abul Maal Muhit, Minister, Ministry of Finance, Government of Bangladesh.

UNDP. (2011). *Bangladesh: Assessment of Development Results—Evaluation of UNDP Contribution*. Dhaka: UNDP.

UNESCO. (2011). Institute of Statistics, Data Centre. Paris, France: UNESCO.

USAID. (2010). Current conditions: Population & health. Washington, DC: USAID. http://transition.usaid.gov/bd/programs/pop.html.

World Bank. (1997). *Bangladesh: An Agenda for Action*. Dhaka: World Bank, Bangladesh Office.

World Bank. (2009). *Secondary School Madrasas in Bangladesh: Incidence, Quality, and Implications for Reform* (by Mohammad Niaz Asadullah). Washington, DC: World Bank.

World Bank. (2011). *Bangladesh Economic Update*. Washington, DC: World Bank.

World Bank. (2012). *World Bank Development Indicators Online*. Washington, DC: World Bank.

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## Author Interviews

Interview with the Deputy Secretary, Ministry of Fisheries and Livestock, Government of Bangladesh, June 14, 2012.

Interview with the Deputy Secretary, Ministry of Public Administration, Government of Bangladesh, June 11, 2012.

Interview with Additional Deputy Commissioner (Revenue), Khagrachari, May 30, 2012.

Interview with the Deputy Commissioner, Comilla, June 12, 2012.

Interview with Deputy Secretary, Ministry of Education, Government of Bangladesh, May 15, 2012.

Interview with the Deputy Secretary, Ministry of Public Administration, Government of Bangladesh, June 11, 2012.

Interview with the Additional Deputy Commissioner (General), Chandpur, September 9, 2011, and June 14, 2012.

Interview with the Civil Surgeon, Bhola, May 28, 2012.

Interview with the Upazila Medical Officer, Bhola, May 24, 2012.

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# PAKISTAN

III

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# *Chapter 18*

# History and Context of Public Administration in Pakistan

Muneer Ahmad

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## 18.1 Prologue

When Pakistan started its political journey as a new country in August 1947, its foremost task was state building. To begin with, the new country had to improvise a new state capital in the city of Karachi. One of its provinces, East Bengal, faced a similar dilemma. It had to constitute from scratch its apex court. The new state had a limited supply of experienced senior civil servants. The ministers, both at the center as well as in the provinces, were new to their jobs. Added to these problems was the ordeal of settling millions of refugees who had poured into the new country following the partition of British India. Hundreds and thousands of them had come, practically on foot, sick, hungry, and penniless.



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It is remarkable that the public administration of the new state somehow managed to address the formidable challenges of the early period. It was able to operate, without serious disruption, essential public services, such as railways, postal departments, and irrigation canals. It improvised currency notes and postage stamps of the new state. Within a year of independence, it had set up important state institutions, such as the Civil Service Academy, the Pakistan Military Academy, and the State Bank of Pakistan. In the early turbulent years, it managed to conduct the first population census of the newly independent country (1951). Within the first 5 years, the administration had conducted general elections to the legislative assemblies of three provinces, for the first time in South Asia, on the basis of universal adult franchise (Punjab and NWFP in 1951 and Sindh in 1953). Four more decennial censuses were organized after the 1951 census. The first general election to the National Assembly on the basis of universal adult franchise was held in 1970, after which eight more general elections were conducted between 1970 and 2008. The administration of the new state produced its first comprehensive five-year plan in 1955. Since then it has produced more plans regularly every 5 years, barring gaps in turbulent years such as 1970–1978. In 1958, with the assistance of advisors from Harvard University, it set up a modern planning commission that contributed considerably to the institutionalization of the planning process in the government (Government of Pakistan 1998).

Since independence, Pakistan has achieved a remarkable degree of success in creating a broad industrial base. Successive central government administrations have sought to raise the standard of living of the people through rapid economic growth. In spite of repeated setbacks, the country has been able to maintain a reasonably high average annual economic growth rate. In the immediate post-independence years, its average annual growth rate was around 3%. In the 1960s, it rose to 6.2%. It was 4.6% in the 1990s (see Appendix, Table I).

In 2011, Pakistan was rated as the 47th largest economy in the world (27th in terms of purchasing power parity). Its gross domestic product (GDP) per capita was $1,007 in 2010 ($2,780 in terms of purchasing power parity) (see Appendix, Tables II and III). Life expectancy at birth was estimated to be 65 years in 2009, which was 46 years in 1960 (see Appendix, Table V). On the one hand, the performance of its economy and society appears to be better than was expected; on the other hand, it has performed far below its potential. Some 23% per of its population live below poverty line (Economic Survey of Pakistan 2011). Its GDP growth rate in 2011 was a mere 2.4%. Its annual population growth rate is 1.8%, which is lower than 1995 (2.6%) but is still higher than other countries in the region (see Appendix, Table IV). Its adult literacy rate is 57%, higher than in 1998 (43.9%) but lower than the regional literacy rate (see Appendix, Table VII). Infant mortality rate is 69.7 per 1,000 live births, lower than 1975 but still higher than the regional average (see Appendix, Table VI). The Human Development Index (HDI) is 0.504, which is higher than in 1990 (0.399) but lower than other countries in South Asia (see Appendix, Table VIII). In sum, the public administration of the new state has not performed as badly as feared, but it has failed to perform up to its potential. The administration in Pakistan experimented with many innovations to induce economic development and better governance. This chapter discusses the history and basic structure of public administration in Pakistan, as well as important issues and continuing concerns.

## 18.2 Historical Contexts

### *18.2.1 Precolonial Legacy*

The roots of many of the administrative institutions of present day India and Pakistan may be traced back to the Mughal rule. The Mughal administration was centered in the monarch who

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through the mansabdari system (rank-in-person system of higher bureaucracy) came to be looked upon as the source of all advancement and honor. The Mughals, in their anxiety to secure stability for their dynasty, strived hard to earn the affection of the people. They tried to achieve this by providing them good administration based on the ideals of benevolence, justice, and good government (Qureshi 1966, p. 4).

The Mughal emperor was vested with the supreme political authority. However, his Muslim subjects had the right to challenge his actions if he openly transgressed Islamic law. In view of the vast size of the empire, the emperor ruled it with the assistance of high-ranking officials. These heads of departments were appointed on the basis of their expert knowledge. The monarch sought their advice singly or in groups. They were not ministers, nor did they constitute a cabinet. They had no right to tender advice.

The highest post that a subject could hold was that of the head of finance department, called *diwan*. Practically all fiscal posts, including those at the provincial and lower levels, were under his patronage. He kept a strict control over the provincial diwans and received detailed financial statements regularly from them. The imperial treasuries were also under his control. At the center, the diwan was supported by several assistants of high rank. Another important official was the Mir Bakhshi, who was in charge of handling the mansabdari system, that is, the recruitment, posting, and promotion of mansabdars (holders of different grades of military and executive offices). He was himself a highly placed mansabdar. He presented the candidates to the emperor after thorough scrutiny. Once the candidate was approved by the monarch, the Mir Bakhshi saw to it that all the conditions of service were fulfilled. The appointee had to produce the men, the horses, and other accoutrements for the Bakhshi's inspection. If approved, the horses were branded, the men's descriptive rolls drawn up, and a certificate issued. Only then was the new mansabdar entitled to draw his salary and allowances. Salaries were paid in cash or in the form of assignments upon the revenues of certain estates called jagirs. Matching of an assignment with the determined salary was the responsibility of the diwan (Qureshi 1966, p. 71).

The third highest official, the chief judge called Qazi-ul-Qazat, was responsible for the administration of justice. He was not subordinate to the emperor or the diwan in the performance of his duties. Usually, qualified Islamic jurists known for their foresight and integrity were appointed to this office. He appointed judges outside the capital. The executive matters relating to justice (like production of litigants in courts and implementation of their orders) were dealt with by another official called Mir Adal. A fourth official, responsible mainly for police duties for the capital city, was Kotwal. He was expected to guard the streets of the city at night. He kept a record of newcomers and of those who left a locality through informers. He was responsible for catching thieves and recovering stolen property. He was also responsible for supervising prisons, weights and measures, and for checking encroachments on public streets.

The Mughal Empire was divided into provinces called subahs. Each subah consisted of several subunits called sarkars, which were further subdivided into districts or parganahs. Each parganah consisted of a convenient number of villages (mauzas). In Mughal administration, a village/mauza was not only a conglomeration of houses where the peasants lived but also the land surrounding it. The boundaries of each mauza were clearly demarcated. Each of these served as an administrative unit. A province was placed under a governor called *subahdar*, who was head of the military and civil administration. His main duty was to defend the area and to maintain peace and order. On the civil side, his main function was to encourage and expand cultivation and to extend all help to the peasants. He was not allowed to intervene in the administration of justice or levy of taxes.

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The government of the province was organized on the same lines as the government at the center. Every province, besides governor, had its own diwan, bakhshi, chief judge, mir adal, kotwal, and news writer (waqa-i-nawis). The head of the provincial department of finance was responsible for the supervision of agrarian administration. For this purpose, he was supposed to be in constant communication with the revenue staff in the parganahs. All assessment of state demand on agricultural produce (and their realization) were audited and consolidated into abstracts in his office, which were transmitted to the central ministry of finance. The provincial bakhshi was responsible for issuing certificates to the mansabdars that the conditions of their mansab had been fulfilled. Only on the production of this certificate was the salary paid by the diwan. In case of a mansabdar's death, it was the duty of the provincial bakhshi to take over his jagir. A mansabdar could not leave his station of posting without the permission of the provincial bakhshi. He was also responsible for the transmission of the reports of the news writers to the central government. The provincial chief judge was concerned primarily with civil and criminal justice. He had to be an adult Muslim male of sound mind. Cases were decided in accordance with Muslim law. Provisions of Muslim personal law did not apply to non-Muslim subjects. Through erudition, piety, and impartiality, the judges built up for themselves a position of great independence and dignity. The provincial mir adal performed the same functions in the province as the central mir adal at the center. The kotwal's duties were limited to the provincial capital. He had no jurisdiction over the kotwals of other cities. The provincial news writer, waqa-i-nawis, kept the central government informed of the happenings in the province. The provincial khufia-nawis sent intelligence reports to the central government.

The parganah was the hub of rural administration. It was as important a unit of administration as the revenue district under the British. The staff for assessment and realization of the state demand on agricultural produce was centered in the parganah. It consisted of officials who measured the lands, assessed the yields, and kept a record of the figures. The head of parganah administration was called *amil*, the Mughal counterpart of the deputy commissioner under the British rule. It was his duty to ensure that all the procedures regarding the assessment and realization of the state dues were followed faithfully. He was particularly enjoined to expand the area under cultivation. He was to keep a strict watch over his staff to see that only the prescribed dues were realized from the cultivator. Each parganah had a treasury, which was in the charge of a treasurer. The collection of urban taxes was entrusted to another set of officials who worked directly under the control of the diwan.

The maintenance of internal peace and order was an important function of the subehdar, the provincial governor. The amil performed this function at the level of parganah. In urban areas, every city of some proportion had a kotwal. At suitable distances, police posts were established, known as *thanahs*, under officials called *thanedar* who were assigned detachments of cavalry and infantry according to the requirements of the area. In keeping with the ancient traditions of self-governing villages, the Mughals made the peasant communities a part of their administrative system. The government depended on the peasant communities for agrarian administration as well as for maintenance of law and order in the countryside. The local government officials were assisted by the village communities. Similarly, a large number of cases were never referred to the courts established by the government. The villagers, in accordance with the tradition of self-government, had panchayats, or councils of elders, who decided most disputes. In the towns, the guild panchayats were active. The procedures adopted by the Mughals for the transaction of official business were lengthy, and they involved endless paperwork and filing at all levels. Similarly, the procedures adopted by the diwan's office for making payments were excessively cumbersome. According to one commentator, the traditions of red

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tape created by the Mughal bureaucracy have not been overcome in the subcontinent to the present day (Qureshi 1966, p. 80).

### 18.2.2 Colonial Legacy

The British colonial administration shared many of the salient features of the Mughal administration. In the first place, the foundation of colonial administration also rested on the agrarian administration, that is, collection of land revenue from the peasants. The titles and functions of many of the functionaries of agrarian administration continue to be the same even today. The tenor of agrarian administration, both under the Mughal and British colonial rule, was generally benevolent. It tried to safeguard the peasant against extortion. Both systems did not provide for any formal structures at the village level for maintaining peace and order. Both left local communities in charge of maintaining local peace and settling disputes. Both systems relied on an extensive corps of state employees for government administration. The district occupied the central place in both systems of administration. The district head performed both the revenue collection and order maintaining functions. In both systems, he personified the benevolent despot. The police system, existing largely in the urban areas, was organized around police stations. The terms used for the police station and officer-in-charge (thana, thanedar) are to this day the same. Both systems relied on elaborate structures for official reporting and intelligence gathering. Both systems were not accountable to the people. If at all, the officials in both systems were answerable to their own conscience. Ironically, the general tone of the government administration in postcolonial period has continued to be despotic with interjections of benevolence. Both the rulers and the ruled affectionately call it paternalism.

The broad structure of the civil service in Pakistan was inherited from the British colonial rule in India. Three decades after the assumption of direct rule of India by the British Crown, a government commission on civil service, commonly known as the Aitchison Commission, recommended the establishment of the civil service of India, which in due course came to be known as the Indian Civil Service (ICS) (Great Britain 1888). Leading positions in the bureaucratic structure, both at the headquarters and in the field, were reserved for the members of the ICS. Another feature inherited by Pakistan from the pre-independence civil service structure was the distinction between All-India Services and Central Services. The All-India Services were controlled by the Secretary of State for India, were recruited by the Central Government, and were usually assigned to the provinces but also served under the Center. The All-India Services included the ICS and the Indian Police Service (IPS). The Central Services were appointed by the Governor General of India and served the Central Government. They included such services as Indian Audit and Account Service, the Central Engineering Service, and the Imperial Customs Service. The members of these services were also posted all over India but were directly controlled by the Central Government. In the second decade of the twentieth century, a class distinction was introduced on the basis of position of an employee in the hierarchy of administration (Parliament 1917, Islington Commission). The Class I officers were those who held positions of executive or administrative level. Class II officers held posts of operational levels. Subsequently, Class III and Class IV categories were also created. Class III consisted mostly of holders of clerical jobs and Class IV consisted of office boys, messengers, gardeners, guards, and so on.

On the analogy of the All-India Services, the All-Pakistan Services were created in Pakistan, which consisted of the Civil Service of Pakistan (CSP) and the Police Service of Pakistan (PSP).

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The basic control of these services remained with the Center, though they served mostly in the provinces. The CSP was the direct descendant of the Indian Civil Service (ICS). Like the ICS in pre-independence India, the CSP in Pakistan continued to be at the apex of the service structure. The CSP officers held most of the senior positions in the Center as well as in the provinces, which were, in most cases, reserved for them.

Indeed, the PSP in Pakistan assumed almost the same form as the IPS in colonial India. The members of the PSP held most of the posts of police officers from the provincial capital, down to the district and lower levels. Like the Central Services in India, the Central Services in Pakistan were directly controlled by the Central Government. They consisted of the following 12 services: Pakistan Foreign Services (PFS) Account Services (Pakistan Audit and Accounts Service, PAAS); Pakistan Military Accounts Service (PMAS); Pakistan Railway Accounts Service (PRAS); Pakistan Customs and Excise Services (PCES); Pakistan Taxation Service; Pakistan Military Land and Cantonment Service (PMLCS) (officers of this service were in charge of maintenance and control of lands within the cantonment areas); Pakistan Postal Service (PPS); Information Service of Pakistan (ISP) (officers of this service were recruited for appointment in the Ministry of Information, state radio and TV, and in foreign missions); and Central Secretariat Services (members of this service were recruited as section officers in the Secretariat of the Central Government to perform the functions of assistant secretaries or undersecretaries in the Railways [Commercial and Transportation] Group). In addition, the Central Engineering Services (CES) and Telegraph Engineering Services (TES) were also constituted. The officers of CES were appointed to technical posts in Pakistan's Public Works Department.

## 18.3 Modern Administrative Structure

The provisional constitution of Pakistan in its initial years, the Government of India Act, 1935 (as adapted), reflected some kind of a federal and parliamentary form of government. Its detractors describe it as a vice-regal form of government because the governor general retained many powers, which he exercised at his discretion. Pakistan extended, at least formally, the principles of parliamentary and federal form in the constitutions it adopted in 1956 and later in 1973. One can say they have become a part of its political legacy. In 1970, the territory of Balochistan (see Figure 18.1), which until then was not administered through a government accountable to a locally elected assembly, was formally recognized as a separate province. Although during the last 40 years the constitution has been suspended on many occasions, in principle, all political forces have publicly pronounced their adherence to a federal and parliamentary form. In 1974, these principles were extended to the Pakistan-administered Kashmir in the form of a constitution of its own and in 2010 to Federally Administered Northern Areas (FANA), now called Gilgit-Baltistan (GB). In the general elections held in 2002, a proportion of the seats in the national parliament, the provincial assemblies, and the councils of local government were reserved for women. Women in large numbers came forward for elections and, as MPs, played a vocal role in the debates inside the legislative assemblies. The 18th Amendment to the Constitution adopted in 2010 abolished the concurrent legislative list, thereby extending considerably the legislative jurisdiction of the provinces.

The British colonial rulers introduced a federal form of government in India under the Government of India Act, 1935. This act served as Pakistan's provisional constitution from independence until 1956, when a new constitution drafted by Pakistan's Constituent Assembly

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**Figure 18.1 Map of Pakistan. (WordPress, http://thepeopleofpakistan.wordpress.com/2010/02/17/pakistan-in-pictures/)**

was enforced. Since then, Pakistan's constitution has undergone radical changes on a number of occasions but has always maintained formally a federal form. An enduring feature of the Pakistan federation has been that, both formally and in practice, the center has tended to dominate the provinces. The subjects on which the federal and provincial governments could legislate were occasionally catalogued in three lists (federal, provincial, and concurrent) and sometimes in two lists. In the 1973 constitution, which has prevailed in the original or modified form until today, there were two legislative lists, federal and concurrent. The federal list was divided into two parts. Policies relating to Part II were to be formulated by the Council of Common Interests, a body representing both the federation and the provinces. Part II included subjects such as railways, oil and natural gas, and water and power development. The 1973 constitution vested residuary legislative powers in the provinces. However, in case of inconsistency between the federal and provincial laws, the former prevailed.

Two important developments in 2010 have eased the conditions for the provinces. First, the National Finance Commission Award 2010 has considerably increased the share of the provinces as a whole, and it has also increased the share of smaller provinces because of the voluntary reduction of its share by the largest province, Punjab. Second, through the 18th constitutional amendment, the concurrent list has been abolished, thus enormously increasing the legislative powers of the provinces. The future will tell whether the extension in the powers

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of the provinces is substantial or only formal. In the past, the provinces have not shown much ingenuity and initiative in the exercise of their legislative and taxing powers under the constitution.

Apart from the constitutional provisions, three other factors reinforce the possibility of increased authority of the federation over the provinces. First, the federal government appoints and removes the provincial governors, and through them it can exert influence over the provinces. Second, the federal government exercises administrative and disciplinary control over the members of the All-Pakistan Services (the District Management Group [DMG] and the PSP) who ordinarily man key positions in the civil administration of the provinces. Third, if the members of the federal and provincial government are drawn from the same political party, it tends to further enhance the federal influence over that province.

Other constitutional provisions that result in extraordinary federal ascendency over the provinces are the taxation powers. In pre-independence days, an arrangement for sharing the proceeds of some federal taxes between the center and the provinces was worked out in 1937. Under the original arrangement, the exclusive federal taxes included import duties, corporate taxes, and receipts from federally administered public undertakings; the taxes levied by the center but shared with the provinces included export duties, excise duties (excluding those on liquor and other drugs), and taxes on individual incomes by the center but paid to the provinces, including stamp duties, terminal taxes on movement of goods and passengers by road and air, and succession duties. Exclusive provincial taxes referred to land revenue, irrigation charges, and sales tax (Niazi 2003).

Over the years, the composition of the divisible pool has remained more or less the same. The provinces have traditionally demanded a larger share of the divisible pool, and the less developed and less populous provinces have demanded that the distribution of the revenue among the provinces should not be exclusively on the basis of population. Other factors, such as backwardness, poverty, and revenue collection, should also be taken into account (Ahmed, Mustafa, and Khalid 2007).

Since 1937, revenue sharing arrangement has been reviewed, from time to time, as an obligatory requirement under all constitutions. As a result of these reviews, the share of the provinces in receipts from specified federal taxes has gradually increased. Under the 1973 constitution, the interprovincial distribution of revenues was reviewed eight times between 1974 and 2010. Under the 2006 award, the share of the provinces was fixed at 45% of the divisible pool, which was to reach 50%, with a subsequent increase of 1% per year. In 2010, it was raised to 56%. The most populous province, Punjab, voluntarily reduced its share to provide a larger share to smaller provinces (Table 18.1).

Only time will tell whether the 2010 National Finance Commission Award was a one-time occurrence or a trend of coming developments. In the past, the central government has on many occasions appropriated the revenue share of the provinces (e.g., revenue earned from sales taxes

**Table 18.1 Percentage Provincial Share of Revenues in 2006 and 2010**

| *Year* | *Punjab* | *Sindh* | *Khyber Pakhtunkhwa (KP)* | *Balochistan* |
|---|---|---|---|---|
| 2006 | 57.36 | 23.71 | 13.82 | 5.11 |
| 2010 | 51.74 | 24.55 | 14.62 | 9.11 |

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in the early post-independence years). It is also to be noted that a larger share of revenues for the provinces often got channeled into nondevelopment expenditure than got channeled toward development activities.

All these developments indicate that political actors, especially the elected representatives, have gained greater self-confidence. They have developed a vested interest in the preservation of the democratic political system. They do not feel that greater provincial autonomy poses a threat to national integrity. Unlike the past, the size of the opposition inside the assemblies is not small. The majority enjoyed by the ruling party being marginal, formation of coalition governments became necessary. This situation engendered a certain amount of deference for political opponents, political tolerance for difference of opinion, and self-restraint in political debate and action.

## 18.4 Pakistan Civil Service

The government of the newly independent country was acutely aware of the inadequacy of Pakistan's administrative manpower. Therefore, quite early, it decided to undertake a comprehensive review of its administrative system. Two American scholars visited the country, in quick succession, in the mid-1950s for this purpose. Their reports had a great impact on the thinking of top administrators, though the government took no immediate practical action on their recommendations for the reorganization of the civil service (Egger 1953; Gladieux 1955). In the late 1960s, another appraisal was conducted by a high-powered civil service reorganization commission (generally known as the Cornelius Commission) headed by the chief justice of the Supreme Court of Pakistan (Government of Pakistan 1969). A common criticism contained in all these reviews was the dominance of the highest administrative jobs in government by the generalist cadre of the CSP. Officers in technical services, lacking comparative opportunities of advancement, remained in a position of subservience, which instilled in them an attitude of diffidence. In 1973, the government, taking a bold step, abolished the monopoly of top administrative posts by the CSP. According to one commentator, the reforms were the culmination of years of intellectual work by numerous specialists and committees on the subject (Kennedy 1987). The reforms also abolished classes among government servants. All services and cadres were placed in a unified graded structure of 22 grades. It allowed horizontal movement from one cadre to another, including the movement of technical personnel to the cadres of general management. It also introduced lateral entry into the civil service under which talented individuals from the private sector and well-qualified persons in government service were eligible to apply for high-level posts in the federal ministries. Common induction training was introduced for all the new officers selected to central superior services. The procedure for disciplinary action against civil servants was made easier. The main provisions relating to the civil service were taken away from the constitution and were incorporated in a statutory law, thus relatively weakening the position of the civil service (Hussain 2003).

It is worth noting that both the civilian and military regimes that followed the 1973 civil service reforms retained most of the reform measures. The military regime of General Zia-ul-Haq (1977–1988) did terminate the lateral entry program. However, it introduced another program that facilitated the lateral entry of young military officers into the civil service. The Zia regime institutionalized the practice of inducting in-service, middle-level military officers into the higher civil bureaucracy by establishing a quota of 10% of the vacancies in the officer grades of the civilian bureaucracy. The Government of Pakistan has, over the years,

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undertaken a review of the civil service structure on a regular basis. Dozens of recent reform efforts have been undertaken. The chapter on civil service discusses many reforms and specific policies.

The focal point of personnel management within the federal government is the Establishment Division of the Cabinet Secretariat. It issues necessary directions with respect to establishment matters to all personnel agencies within ministries. Similarly, the functions relating to personnel administration in the provinces are entrusted to the respective services and general administration departments, which work directly under the chief minister. Provisions for regulating the appointment and conditions of service of government employees of the federal government are given in the Civil Servants Act, 1973. Government has made detailed rules necessary for implementing the act.

The civil servants recruited by the federal government are grouped into 12 occupation groups, the most important of which are Accounts Group; DMG; Foreign Service of Pakistan (FSP); Inland Revenue Group (IRG), formerly Income Tax Group; Information Group (IG); Office Management Group (OMG); Public Service of Pakistan (PSP); and Postal Group (PG). All 12 occupation groups combined are called Central Superior Services (CSS).

The civil service in Pakistan has a long tradition of recruitment on the basis of merit coming down from the British colonial time. The system of open competition for appointment to many categories of government service was introduced as early as 1870. The first Public Service Commission in India was appointed in 1926. Recruitment to the various occupational groups is made on the basis of a combined competitive examination. This examination (for the Central Superior Services, CSS) is conducted every year by the Federal Public Service Commission (FPSC). The minimum qualification required for this examination is a bachelor's degree with second division. In practice, more than three-quarters of the CSS officers hold a master's degree in arts or science (Ahmad 2009). The age limit is 21 to 28 years, relaxed by 2 years for minorities and government servants. The examination is conducted in three parts, namely the written examination (carrying 1,100 marks, 500 for compulsory and 600 for optional subjects), a psychological test for general ability, and the viva voce (300 marks). After qualifying in the written examination and the viva voce, the result is compiled on the basis of the marks in both, and the candidates are arranged in order of merit.

The allocation of the candidates to the various occupational groups is made on the basis of the order of merit obtained by a candidate, his/her domicile (for provincial quotas), and his/her own preference for an occupational group. (In order to give due representation to all the provinces and regions in the Central Superior Services, the government has specified provincial and regional quotas for direct recruitment to all posts under the federal government.) The result compiled by the FPSC is sent to the Establishment Division. After due approval by the competent authority, the selected candidates are required to appear for a medical test. After clearance, they are sent to the Civil Services Academy (CSA) for 8 months' pre-service common training.

The Government of Pakistan has, over the years, undertaken a review of the civil service structure on a regular basis. Of the dozens of recent reform efforts, three may be cited for significant proposals for changes. The main contribution of the 1978 Civil Services Reorganization Commission, led by Chief Justice Anwarul Haq, was to undo some of the changes introduced in 1973 by the Pakistan People's Party (PPP) government led by Zulfiqar Ali Bhutto. For example, it terminated the scheme for lateral entry into the Central Superior Services (CSS). The thrust of the World Bank sponsored 1998 report, A Framework for Civil Service Reform in Pakistan (Report No. 18386), was inspired by the International Monetary Fund structural adjustment

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program to downsize the bureaucracy. Its implementation program was directed at removing ghost workers, tightening recruitment freezes, stopping new work-charged employment, ending the practice of move-overs, and terminating all ad hoc and contractual appointments (World Bank Report 1998).

The civil service reforms introduced in the early 1970s abolished the reservation of top jobs for the elite cadre, CSP. The reforms also reduced the constitutional guarantees that protected the civil servants from arbitrary disciplinary action. These changes failed to erode the attraction of civil service as an occupation (Shafqat 1999; Wilder 2009). Fifty years earlier, an opinion survey produced revealed similarly a favorable image of government service. Some 44% of public servants interviewed offered prestige, job security, and pension as their reason for joining the civil service (Ahmad 1964). The attractiveness of civil service as a source of employment among university graduates, both men and women, is also demonstrated by the relatively large number of candidates per vacancy. Between 1978 and 2007, it ranged between 6 and 18 per vacancy in the competitive examination for the central superior services (Federal Public Service Commission 1988).

However, there are problems that existed and that continue, despite reforms. In Pakistan, the members of higher bureaucracy tend to enjoy a high social status in society. It is one of the undying legacies of the Mughal rule and the British Raj. In pre-industrial times, a government job was the main source of livelihood for the members of the intelligentsia. In addition, an office in government was sought because it conferred considerable prestige on the office holder. The British rule in India, for the most part, was rule by the members of government bureaucracy. Originally, most of them were European. They were paid generous emoluments. They exercised immense power. They were not public servants, but rulers. As district magistrates, each of them ruled hundreds or thousands of subservient subjects largely according to their own moral standards and good judgment. In this role, a member of the ICS has occasionally been compared to the philosopher-king or the guardian in Plato's Republic (Woodruff 1954). A good many of them managed to live up to this reputation and thus enjoyed high prestige. The popular perception about them was that they were competent, efficient, and free from corruption. However, another popular perception about them was that they were arrogant.

When the non-Europeans entered the government bureaucracy, they inherited the image of their European colleagues. The Indian members of the ICS also enjoyed very high public esteem. They were viewed as fair, impeccable, and considerate. For many years after independence, the members of the Civil Service of Pakistan (CSP), the successor cadre to the ICS, continued to enjoy high prestige for industry, probity, and fairness. In due course, a feeling began to grow against the government servants, in general, and against the members of the CSP in particular, that they suffered from a misplaced sense of superiority. Some feel this attitude (that they were separate and better) was consciously cultivated in the CSP officers (Kennedy 1987). They flaunted their power in their government offices more than they used it to redress the grievances of the weak and the marginalized. Increased politicization of the bureaucracy since the mid-1970s contributed to the erosion of public faith in their impartiality. Petty corruption in government continues unabated, which is normally associated with the lower-level government officials. Grand corruption by politicians and members of higher bureaucracy (kickbacks, bank loans) has shown signs of spreading increasingly over the years since the 1980s. Top government posts are now filled by officials of diverse occupational backgrounds, who, taking a cue from the new breed of politicians, make no secret about quickly getting rich by abusing public office for private gain. Thus, the people at large do not view the civil servants as free from

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corruption. This is the price that has to be paid for the neo-liberal market approach to rapid economic growth.

In an opinion survey conducted in 2006, a majority of the civil servants (51%) stated that the general public carried a disapproving perception of civil servants (Haque and Khawaja 2007). The same survey reported that 76% of the responding civil servants felt that the civil service job carried high prestige. Some 63% of the in-service civil servants stated that they would like to continue to serve in the civil service, whereas 59% of respondents indicated that job security was the foremost reason for opting to join the civil service as a career in the first place.

Also, higher civil servants have enjoyed a greater social standing than the elected representatives. As a result of pervasive political instability, the elected representatives, including ministers, have enjoyed a short tenure. A civil servant normally serves for 30 or more years. Thus, a member of higher bureaucracy, during his/her career, holds important offices through which he/she can exercise considerable amount of influence and patronage. For this reason, a member of the Central Superior Services continues to enjoy considerable prestige despite many adverse changes in his/her conditions of service. The civil service reforms of 1973 increased the relative influence of elected representatives over the bureaucracy but did not necessarily lead to better governance (Wilder 2009). Over the years, considerable politicization of bureaucracy has taken place. As a result, the civil servant and the elected representative tend to act in collusion to advance their interests, which are often at the cost of good government.

When devolution of power to local governments was implemented in 2001, it resulted in the abolition of prized bureaucratic jobs like the deputy commissioner and the commissioner. As a consequence, many DMG officers (successor cadre to CSP) opted, with government approval, to take up jobs with nongovernment organizations (multinationals, international organizations). Dozens of them, in due course, relinquished government service altogether. However, in spite of such radical changes, the aura of an office in the civil service continues to endure.

## 18.5 Devolution of Power—Developing Local Governance

In 1952, Pakistan introduced the well-known V-AID (Village Agricultural and Industrial Development) program. This program was based on the concept of community development, and it sought to promote economic, social, and political development in rural areas through the participation and initiative of the village communities. The program emphasized local responsibility and community self-help. The basic unit in the V-AID program was the Development Area consisting of 150 to 200 villages. A Development Officer who was assisted by two supervisors and about 35 V-AID workers was in charge of the development area. Each V-AID worker was in charge of five to seven villages in the Development Area. The V-AID worker was assigned the role of a change agent for the implementation of the V-AID program. The program was discontinued 9 years after its inauguration. The older administrative government departments did not extend wholehearted cooperation to the V-AID officials because they resented better funding and facilities to the program (Beg 2003).

Directly after the V-AID program, another experiment was done, called the Basic Democracies Programme (1959). It was a homegrown model of local government aimed at the direct participation of the people in managing their own affairs through their elected representatives at the village and neighborhood levels. The basic unit of this model was the union council,

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a collection of villages. The jurisdiction of the union council was extended over all activities of administration from law and order to socioeconomic development. In 1961, the structure of V-AID was merged with the new Basic Democracies Programme. In rural areas, each union council covered a group of villages with populations ranging from 8,000 to 15,000 people. On average, each basic democrat represented 1,000 to 1,500 persons. He/she was elected for a 5-year term. A Union Council consisted of 10–15 basic democrats. The chairman of the union council was elected from the total membership. There were three higher tiers above the union council (tehsil council, district council, and divisional council). Each tier had its own responsibilities but was also a component of the larger whole. A basic democrat had administrative responsibilities within his/her constituency. He/she was also assigned a judicial role, particularly in connection with the reconciliation and arbitration of cases relating to family laws. This scheme was put to an end in 1972 (Beg 2003).

Thirty years later, yet another experiment was conducted to "ignite the latent creativity and energies of the people" at the grassroots level (Government of Pakistan 2000). The new local government system introduced in 2001 also used the union council as the first level of the local government administration. Its main function, as under the Basic Democracy System, was to identify the urgent needs of the people and to prepare development plans to address those needs. It was comprised representatives of the local residents, elected on the basis of universal adult franchise for a term of 5 years. A number of seats on the elected council were reserved for women, minorities and peasants, and workers. The most distinctive feature of the new local government was to provide specified, formula-based regular fiscal transfers from provincial government to each union council to meet the routine and development expenses of the union administration. The three tiers of the new local government system were interlocked. The chairmen of the union councils (Union Nazims) were ex-officio members of the district council, and the deputy chairmen of the union councils (Naib Union Nazims) were ex-officio members of the tehsil councils. One of the important functions of the union administration was to identify deficiencies in the delivery of services and to make recommendations for their improvement to the upper levels of government. For this purpose, the councils at all levels were required to appoint monitoring committees. After 8 years of operation and with the change of regime in 2008, all the provincial governments, drawn from different political parties, decided to wind up the local government system introduced in 2001.

All the three programs (V-AID, basic democracy, and the devolution plan) failed to mobilize the people at the grassroots level for self-help and cooperative development efforts. The village councils constituted under the V-AID program were found to be wanting because they were not composed of elected representatives of the local residents. The councils under the basic democracies scheme were found to be deficient because they were placed directly under the guidance and control of members of government bureaucracy. They also lacked adequate funds. The councils under the devolution plan, though directly elected and provided with adequate funds, failed to win the trust of the local people.

Pakistani experience shows that democratic local government system can provide an opportunity to the people to elect their own representatives, but it, by itself, cannot empower the people at the grassroots level. To empower the rural poor, they must be organized into grassroots community organizations. This has been done in Pakistan for many years through a homegrown program called the Rural Support Programme (RSP). The RSP was inspired by the so-called Comilla Model of comprehensive rural development launched in 1959 by the Pakistan Academy for Rural Development under the leadership of the renowned community development specialist, Akhtar Hameed Khan. The central idea of the Comilla approach was to stimulate rural

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development through grassroots cooperative participation of the people. It spurned the idea of imposing a preconceived blueprint of development on a community. It emphasized a bottom-up approach for development and self-reliance. It focused on issues that were identified by the members of the local community and tried to work out development strategies in continuous dialog with the concerned people (Khan 2009).

To receive RSP assistance and guidance, the local communities are required to undertake three activities: (1) form a social organization around a sustainable productive activity in which members would participate on a long-term basis; (2) generate savings to build equity capital, which is used as collateral to obtain loans for individual and collective investments; and (3) develop skills to increase productive capacity at the local level. The RSP methodology has received wide recognition inside and outside Pakistan. There is a need to combine the RSP approach with the local government system based on devolution of power. Pakistan has, so far, adopted the conventional approach for government administration, which is good enough only for routine operations. Traditional government officials have proved to be incapable of inspiring and leading a dynamic development process from the grassroots. Conventional politicians or elected representatives, driven by hunger for power, have also failed to empower the grassroots communities. Without organizing rural people into grassroots community organizations, neither a modern civil service nor elected representatives alone can evolve a competent and responsive government administration.

### *18.5.1 An Example*

The following example illustrates the top-down, largely nonparticipatory approach characteristic of the government policymaking process in Pakistan. The context of policy was influenced, in the first place, by the personality of the ruler at the given time. The other influences were the donors, the enlightened sections of civil society, and the religious groups. The policymakers appeared to be overeager to retain control of the program at the center, gaining foreign funding, and appeasing religious opposition. The program was overcentralized and bureaucratized. It also suffered from lack of coordination between the population and health departments of the government. It was overly concerned with the goal of reducing female fertility according to preset demographic targets through widespread use of contraceptives. It seemed to be unconcerned with evolving a public consensus on policy issues and focusing on human development of women.

Pakistan's government formally launched its national population control program in the mid-1960s. The policymaking process involved interaction between the political considerations of the government leaders, the sensibilities of the Islamic religious groups, and the influence of Western donors. The first initiative for birth control was taken in the private sector by well-placed upper-class women who set up the Family Planning Association of Pakistan (FPAP) in the early 1950s. The major breakthrough came when Ayub Khan, the president and military ruler of Pakistan, extended ownership to the program. He was more worried about the adverse effect of overpopulation on economic growth than the ill effects of frequent pregnancies on the health of women. Being unorthodox in his religious orientation, he ignored the adverse arguments of religious groups on the use of contraceptives. He received forceful intellectual and financial support from external donors. He launched an independent family planning agency instead of implementing it through the infrastructure of the Health Department. As a result of strong political backing, the program was able to raise awareness and knowledge

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throughout the country about contraceptive availability, but there was no corresponding increase in the use of contraceptives. Better financial compensation for the population program staff, thanks to better donor support, created resentment among the employees of the Health Department. Financial incentives of intrauterine device (IUD) insertions led to overreporting and allegations of financial misuse. Poor follow-up helped to spread fear and misinformation about the IUD's side effects.

General Ayub was overthrown in 1969. He was replaced by another military ruler who, because of other preoccupations, was not able to pay any meaningful attention to population policy. In December 1971, a new regime, led by a civilian political leader, Zulfiqar Ali Bhutto, assumed the reins of power. Unlike Ayub, he lacked any pronounced political or ideological interest in population control. The sustained interest of the bureaucratic head of the program in Pakistan and the donors, especially the USAID, provided continuity to the family planning program. The USAID approach was primarily a public health services approach. It considered fertility a function of contraceptives and their availability. It adopted a contraceptive inundation plan that was based on the assumption that a large and ready supply of condoms and oral pills through a network of shopkeepers would generate more demand for family planning and thus increase prevalence rates. The inundation plan was not implemented as planned. It failed also because it was not based on a social science approach. The 1972 population census revealed that Pakistan's population had grown from 43 million in 1961 to 65 million and fertility levels had remained unchanged (Khan 1996).

General Zia-ul-Haq, who replaced Bhutto as head of the government in 1977, initially froze the family planning program. He banned publicity for family planning activities as a gesture to his religious constituency. Another reason for his decision stemmed from the belief that Bhutto had used his party workers as field motivators for family planning. However, Zia allowed the program to restart in 1980. He appointed high-profile and competent professionals, who understood the link between fertility reduction and improvement in women's status, to lead the program. Zia himself did not advocate family planning publicly, nor did he allow effective media campaigning. He relaunched the family planning program because he was under considerable external pressure (from UNO, USAID, and the World Bank). The availability of international funds for the program also increased his tolerance. Zia and his advisors conveniently ignored a 1984 report of the Council of Islamic Ideology (CII) that ruled that birth control was not in accordance with the teaching of Islam.

In the mid-1980s, the sixth five-year plan, on the recommendations of an international population sector working group, emphasized that the issues of population control were best approached through integrating service delivery with other development issues. The years since then involved the integration of the population welfare program with the health program. Such integration required merger of federal population ministry with the health ministry, provincialization of the population control program, and complete regularization of all population staff as bona fide government servants. The politics of power within the bureaucracy hindered the integration of all components of health and population programs. As a heavily funded program, the population agency staff enjoyed more power in separation than in merger. They successfully defied a merger advocated by the National Economic Council, the World Bank, and the United Nations Population Fund (UNFPA).

In 1983, an attempt was also made to devolve the population program to the provinces. Provincial and district population councils were created. The staff in the population program was halved and regularized through the Public Service Commission as a cadre of government servants.

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Field activities of the population program were transferred to the provincial governments, but funding remained part of the federal budget (the Federal Annual Development Plan). The provinces had little input in policy. They simply adopted the targets set by the federal government and tried, as best as possible, to achieve them.

The program as run from the center was not successful. Communications between different sectors at the federal government level and between the provinces and the federal government were inadequate. Political will for the population program at the provincial, district, and local level was weak. The existing health services, administered by provinces, were almost as inadequate as family planning services. Another difficulty, at that time, was the lack of adequate financial allocations from the center to the provinces for the population program.

The story of policy formulation in population control shows obstacles that contributed to the program's ineffectiveness. One of the main obstacles appears to be a lack of citizen input in policy formulation. This seems to be the characteristic feature of the policymaking process of the country. Some other examples of this nature are the administrative reforms announced in 1973; the policy of nationalization of commercial banks, industries and educational institutions in 1973; and the policy of devolution of power to local governments in 2001.

## 18.6 Freedom of Information and e-Government Efforts

The first time a law on freedom of information was passed in Pakistan was in 1997. At that time, the national parliament was not in existence due to impending elections. President Farooq Leghari, who was heading a caretaker government, on his own initiative, issued the freedom of information Ordinance, 1997, through a presidential order. However, the ordinance lapsed as neither the president nor parliament reenacted it, which had been voted into office in early 1997. The freedom of information law was again promulgated in September 2002 through a presidential ordinance. Its purpose is to provide citizens improved access to public records and thereby make the federal government more accountable to citizens. The ordinance applies only to the federal government organizations. The ordinance provides citizens of Pakistan with the right to access public records held by a public body for official use.

The provisions of the ordinance cover almost all relevant aspects. It is the obligation of each public body to ensure that all records are properly maintained. It is their duty to publish all acts and subordinate legislation and to make them available at a reasonable price. Subject to availability of resources, each public body must computerize all records covered by the provisions of the ordinance. The ordinance also identifies records that are exempted from the application of the freedom of information Ordinance, 2002, such as noting on files, minutes of official meetings, an individual's bank account records, records relating to defense installations, and records relating to personal privacy of an individual. The ordinance directs all public bodies to appoint a designated officer who is responsible for easy public access to information. The ordinance outlines the procedure for filing of requests for information, disposal of such requests by the public bodies, and a grievance mechanism in case of denial of such requests.

The ordinance assigns specific responsibilities to federal ombudsman of Pakistan and federal tax ombudsman of Pakistan to redress public complaints regarding denial of access to information. The ordinance provides that a requestor of information, when aggrieved by delay or outright refusal of information, may file a complaint within 30 days of such denial with the head of the public body. If the head of the public body fails to provide the requested

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information, the complainant can file a complaint with the ombudsman. The federal ombudsman or the federal tax ombudsman, as the case may be, may, after hearing the complainant and the designated officer, direct the designated official to provide the information or reject the complaint. Ombudsmen can dismiss frivolous or vexatious complaints and may also impose fines.

However, the level of awareness among general public about the freedom of information Ordinance seems to be low. Civil society organizations (such as the Consumer Rights Commission of Pakistan) tend to be better informed. The tendency of government bureaucracy to hinder easy access to public information and records shows no sign of diminishing. In 2011, the 18th amendment to the constitution added a new article (Article 19A, the Right to Information), according to which every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

Originally, matters relating to information technology (IT) were looked after, at the level of the federal government, by the Ministry of Communication. In 2000, a separate Information and Telecommunication Division was set up within the Ministry of Science and Technology. Two years later, a separate Ministry of Information Technology was established that set up the Electronic Government Directorate (EGD) as an attached department inside the ministry. Its terms of reference were prescribed as follows: lead the e-government effort in Pakistan; plan and implement projects under the e-government program; provide technical support to federal, provincial, and district agencies; and prepare standards for software and infrastructure in the field of e-government.

The introduction of online transactions required legislation for the recognition of electronic transactions. The Government of Pakistan promulgated the Electronic Transactions Ordinance in 2002 (ETO). Under the legal cover of this ordinance, the government extended formal recognition to electronic transactions and information stored in electronic form. Under the ETO, the government also established an Accreditation Council to accredit the certification authorities that provide security authentication services. The IT Policy and Action Plan of Pakistan, approved by the federal government in 2000, pays particular attention to the use of IT in government. The main features of e-government were outlined as follows. On the pattern of the IT Division, each provincial government will create an IT Department/Board to plan, coordinate, and implement government IT projects. Provincial as well as federal IT departments will allocate a substantial sum annually for developing IT infrastructure and conducting training at all levels in the government. Awareness about the utility of computers and IT will be created in all government organizations. IT literacy will be made mandatory for all future government employment, and the annual performance evaluation of each employee will include assessment of IT knowledge and its utilization. e-Government Plan for the Federal Government, 2005, required that basic IT training compulsory for all federal government employees of Grade BPS-5 and above. Internet and intranet e-mail will be utilized for interoffice communication, and the establishment would replace physical file systems with computer-based file systems. The IT departments will prequalify private firms to provide IT consultancy services, software development, and products to government. Computer and office automation training for all management and secretarial staff will be taken up on a priority basis. National databases of economic activities will be prepared to provide facts for different policies framed by the government. These databases will be made accessible to the public through the Internet in accordance with the laws of Pakistan (Electronic Transactions Ordinance 2002).

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Under the IT Action Plan, the Ministry of IT sponsored several e-government projects. Some of them were implemented by the ministry or its attached departments while others were implemented by the target organization. Web portals have been developed for the Government of Pakistan, the provincial governments, and Pakistan's diplomatic missions. Other projects implemented, in part or full, are an online recruitment system for Federal Public Service Commission; online access to statutory laws and other legal documents for bar associations and press clubs; development of online access to debates, questions, and answers and the automation of the legislative process for the National Assembly and the Senate; development of online complaint management system, registration and submission of returns for the Securities and Exchange Commission of Pakistan; automation of multiple processes of the Capital Development Authority (CDA); networking and implementation of hospital management systems for the CDA hospital and for the Pakistan Institute of Medical Sciences; and setting up an IT infrastructure for the city district government of Karachi and the deputy commissioner's office of Islamabad.

The Ministry of Information Technology, as a pioneer of usage of e-government, has introduced many innovations in the ministry. The ministry is using e-hiring for its recruitment needs. Details of the vacancies are provided on the ministry portal. The use of e-mail is being employed for all normal internal communication, including scheduling meetings and distribution of preparatory material and presentations. The movement of files is recorded electronically. All policies, rules, project reports, and other important information are made electronically available on the Intranet. However, this example has not been followed by many ministries. The government offices have not yet become paperless offices. Similarly, most of the e-government initiatives have facilitated the access of citizens to public information but only in limited cases can the citizens interact with public bodies and transact business.

## 18.7 Public Administration Education

Two assumptions exercised considerable influence on the evolution of public administration in Pakistan in its early history, both as a practice and as a discipline. First, the self-perception of administrative leaders is that the profession of public administration suffered from acute inadequacies. Second, the perception was that industrialized countries like the United States possessed an advanced body of scientific knowledge of administration, which could be transferred by education, training, and administrative reform. Influenced by such an intellectual outlook, Pakistan's leaders felt that guidance and assistance from abroad could help them overcome administrative deficiencies. Post–World War II America, under the impact of the Industrial Revolution and concomitant technological advances, looked upon administration as a distinct discipline and a science. Impressed by the concepts and techniques developed by business and industry, American scholars and administrators came to believe that similar concepts could be applied to government administration, especially to public sector enterprises.

Two American scholars who visited Pakistan to advise how to reorganize its public administration criticized the reservation of high administrative posts for the generalists in the ICS–CSP tradition (Egger 1953; Gladieux 1955). They also disapproved of the difference in pay between the generalists and the others. They emphasized that the generalist tradition had become obsolete and that the generalists would do well to accept this fact and prepare themselves for specialized program administration. They noted that too many of the

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top administrators (of the generalist tradition) had breadth without depth in development administration. Both scholars recommended the unification of all the higher public servants into a single civil service of Pakistan with identical scales of pay and prospects of promotion. The existing separate services, they suggested, may be grouped as branches of the unified civil service, such as engineers, doctors, police, audit and accounts, and the foreign service.

The new nation had inherited very few qualified and experienced civil servants from the pre-independence regime. The immediate problem it faced was of finding suitable persons to fill administrative positions at various levels. The American advisors recommended starting of formal education and in-service training in public administration. They made many wide-ranging recommendations for strengthening the different areas of public administration. Apart from restructuring of training program at the Civil Service Academy (CSA) and establishment of in-service training institutions, such as Pakistan Administrative Staff College (PASC) and National Institute of Public Administration (NIPA), they recommended that universities be encouraged to start courses in public administration either independently or in conjunction with subjects like political science, sociology, and business administration. Guided by these recommendations, the government adopted a formal policy for training in public administration in 1960. Some of the important features of this policy were introducing undergraduate, pre-entry to service education in public administration as an integral part of the university courses; providing graduate-level education in public administration by setting up institutes of public administration in three major cities, which may also be used for the training of civil servants of officer rank; setting up academies to impart post-entry service training in rural development at the junior and intermediate levels; and setting up an administrative staff college to provide training at the highest levels of civil service.

The first educational institution to be set up under the new training policy was the Institute of Public and Business Administration at Karachi. It was set up in 1955 in collaboration with the Wharton School of the University of Pennsylvania and with the financial assistance of USAID. Its public administration program was terminated within a few years. Since then it has operated exclusively as a business school. Originally it operated as a department of Karachi University, but in 1994, it received the status of an independent degree-granting institution. It was the first business school of American orientation in South Asia and has come to enjoy great prestige in its field in Pakistan (Khan 2003).

By the mid-1960s, the Punjab University established the Department of Public Administration with the help of a technical assistance program from the United States. Academic input was largely provided by the School of Public Administration of the University of Southern California. It became the first institution in Pakistan to offer a master's degree in public administration. It was gradually turned into a management degree with a strong flavor of business administration. The name of the department was also changed to Administrative Science. The program aimed to cater to the needs of both public and private organizations by concentrating on management, financial administration, personnel administration, and local and regional planning. It also offered an evening program for in-service government and private sector employees (Jadoon and Jabeen 2010).

After 50 years, the program in public administration has failed to evolve an intimate linkage between the program and government bureaucracy. The Federal Public Service Commission assigns public administration less weight than many other disciplines (such as history and political science) for the competitive examination for jobs in higher bureaucracy. Only 1% of the civil servants selected through competitive examinations, between 1973 and 1997 had a master's degree in public administration (Ahmad 2009). In spite of that, 11 universities (one in the

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private sector) have emulated Punjab University in starting a master's degree program in public administration.

NIPA at Lahore and Karachi completed 50 years of their operation in 2010. So did the PASC at Lahore, renamed as National College of Management (NCM). Under a reorganization plan, the three government training institutions at Lahore (PASC, NIPA, and CSA) were placed under a single management in 2000. The three institutions combined together were designated the National School of Public Policy (NSPP). CSA is a training academy for the newly recruited officers of the Central Superior Services. Public administration is only one of the many disciplines offered at CSA. NIPA is an in-service training institute for mid-career government officers due for promotion to the next grade. PASC or NCM is the apex in-service training college for government officers in Grade 20 who are due for promotion into Grade 21. A sprinkling of executives from the private sector and from state-owned enterprises are also admitted for training. The nature of training in all the three institutions is comprised largely of classroom lectures.

At the end of 50 years of their existence, it is possible to declare that both the academic education and "applied" training in public administration in Pakistan have had extremely limited impact on the day-to-day administration. They have hardly had any positive effect on accountability, efficiency, or effectiveness of government administration.

## 18.8 Conclusion

However in style, the current government carries traces of despotism of the Mughal era and paternalism of the colonial regime. The government official occupies an entrenched position. If he/she provides poor service, the members of the public have no institutional mechanisms to put pressure on him/her. Conventional mechanisms seem ineffective. For example, the practice of superiors exercising control over the government official to enforce accountability has, over the years, atrophied. Exercise of oversight by parliamentary committees also does not seem to work. Accountability through courts does work but is drawn out and expensive. For some years, muckraking by the electronic media has induced a certain amount of responsiveness in the administration, but occasionally the electronic media seems motivated more toward blackmailing than enforcing accountability. Conventional methods of modernizing administration have, so far, proved to be ineffective in improving service delivery. Customary methods (for example, increase in number of public servants or increase in salaries) are not only ineffective but also expensive. Unconventional methods are required to make the government official responsive and to improve service delivery. A number of experiments, such as service delivery through rural support programs, nongovernmental organizations, and the private sector show some promise, but there has been no dramatic breakthrough on a large scale. One important way to improve service delivery worth considering is to mobilize the large reservoir of manpower that Pakistan happens to possess by organizing it into grassroots community organizations for cooperative self-help for the provision of essential services. This task cannot be performed by the status-conscious, overly hierarchical, traditional institution of bureaucracy. The new initiatives by the dominant political elites are directed in other tracks—amendment in the constitution, judicial activism, and so on. Such changes appear to devolve power and improve service delivery, but they do not empower the grassroots communities. People will be empowered only when they are mobilized at the grassroots level and organized into self-help communities—a prerequisite for the modernization of public administration.

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# Appendix

**Table I Real GDP Growth Rates in Pakistan**

| *1951* | *1955* | *1960* | *1965* | *1970* | *1975* | *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 3.9 | 2.0 | 0.9 | 9.4 | 9.8 | 3.9 | 7.3 | 8.7 | 4.6 | 4.1 | 3.9 | 9.0 | 3.8 |

*Source:* Handbook of Statistics on Pakistan Economy 2010 (www.sbp.org.pk).

**Table II GDP Per Capita in Pakistan (Current US$)**

| *1960* | *1965* | *1970* | *1975* | *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* |
|---|---|---|---|---|---|---|---|---|---|---|
| 81 | 113 | 169 | 166 | 294 | 326 | 358 | 476 | 512 | 691 | 1007 |

*Source:* http://www.google.com.pk/publicdata

**Table III GDP Per Capita in PPP Dollars in Pakistan**

| *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* |
|---|---|---|---|---|---|---|
| 630 | 950 | 1,220 | 1,460 | 1,620 | 2,190 | 2,780 |

*Source:* http://www.google.com.pk/publicdata

**Table IV Population Growth Rates in Pakistan**

| *1960* | *1965* | *1970* | *1975* | *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* |
|---|---|---|---|---|---|---|---|---|---|---|
| 2.3 | 2.6 | 2.7 | 3.0 | 3.4 | 3.4 | 2.9 | 2.6 | 2.3 | 1.8 | 1.8 |

*Source:* http://www.google.com.pk/publicdata

**Table V Life Expectancy at Birth in Pakistan**

| *1960* | *1965* | *1970* | *1975* | *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2009* |
|---|---|---|---|---|---|---|---|---|---|---|
| 46.6 | 50.0 | 53.2 | 55.9 | 57.9 | 59.4 | 60.8 | 62.0 | 63.2 | 64.1 | 65.0 |

*Source:* http://www.google.com.pk/publicdata

**Table VI Infant Mortality Rate in Pakistan**

| *1961* | *1965* | *1970* | *1975* | *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* |
|---|---|---|---|---|---|---|---|---|---|---|
| 154.9 | 142.9 | 129.8 | 118.8 | 111.2 | 105.1 | 95.6 | 89.3 | 79.5 | 74.7 | 69.7 |

*Source:* http://www.google.com.pk/publicdata

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**Table VII Literacy Rates in Pakistan**

| | *1951* | *1961* | *1972* | *1981* | *1998* | *2004* | *2009* |
|---|---|---|---|---|---|---|---|
| Rate | 16.4 | 16.3 | 21.7 | 26.2 | 43.9 | 54.0 | 57.0 |
| Age group | All ages | Age 5 and above | Age 10 and above | Age 10 and above | Age 10 and above | | |
| Definition of literate | Can read a clear print in any language | Able to read with understanding a letter in any language | Can read and write in some language with understanding | Can read newspaper and write a simple letter | Can read newspaper and write a simple letter in any language | | |

*Source:* http://en.wikipedia.org/wiki/education-in-pakistan#literacy-rate

**Table VIII Human Development Index**

| *1980* | *1985* | *1990* | *1995* | *2000* | *2005* | *2010* | *2011* |
|---|---|---|---|---|---|---|---|
| 0.359 | 0.384 | 0.399 | 0.420 | 0.436 | 0.480 | 0.503 | 0.504 |

*Source:* http://hdrstats.undp.org/en/countries/profiles/PAK.html

## References


Ahmad, M. (1964). *The Civil Servant in Pakistan*. Karachi: Oxford University Press.

Ahmad, M. (2009). Social profile of higher bureaucracy in Pakistan. *Lahore Journal of Policy Studies, 3*(1), 57–82.

Ahmed, I., Mustafa, U., & Khalid, M. (2007). National Finance Commission Awards in Pakistan: A Historical Perspective. PIDE Working Papers, 33. Pakistan Institute of Development Economics, Islamabad.

Beg, M. A. K. (2003). Rural development. In J. R. Khan (Ed.), *Government and Administration in Pakistan*. Islamabad: Government of Pakistan.

Egger, R. (1953). *The Improvement of Public Administration in Pakistan: A Report with Recommendations* Karachi. Inter-services press.

Electronic Transactions Ordinance. (2002). An ordinance. http://www.fia.gov.pk/ETO.pdf.

Federal Public Service Commission. (1988). *Annual Report 1987*. Islamabad: Printing Corporation of Pakistan Press.

Gladieux, L. B. (1955). *Reorientation of Pakistan Government for National Development*, Karachi, Pakistan.

Government of Pakistan. (1969). *Cabinet Secretariat, Report of the Pay and Services Commission, 1959–62*. Karachi: Printing Corporation of Pakistan Press.

Government of Pakistan. (1998). *Directorate General of Films and Publications, Ministry of Information and Media Development, Pakistan Chronology 1947–97*. Islamabad: Printing Corporation of Pakistan Press.

Government of Pakistan. (2000). *National Bureau of Reconstruction, Local Government: Proposed Plan*, May 2000.

Great Britain, Sessional Papers, Vol. XLVIII (1888), C. 5327. Report of the Public Service Commission, 1886–87.

Haque, N. U., & Khawaja, I. (2007). *Public Service: Through the Eyes of Civil Servants*. PIDE Series on Government and Institutions. Islamabad: PIDE.

Hussain, A. I. (2003). The civil services. In J. R. Khan (Ed.), *Government and Administration in Pakistan*. Islamabad: Government of Pakistan.


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Jadoon, M. Z. I., & Jabeen, N. (2010). Public administration education in Pakistan: Issues, challenges and opportunities. *Pakistan Vision*, *2*(1), 120–141.
Kennedy, C. (1987). *Bureaucracy in Pakistan*. Karachi: Oxford University Press.
Khan, A. (1996). Policy making in Pakistan's population programme. *Health Policy and Planning*, *11*(1), 30–51.
Khan, M. F. (2003). Administrative training. In J. R. Khan (Ed.), *Government and Administration in Pakistan*. Islamabad (Reprint 2003). Government of Pakistan.
Khan, M. H. (2009). *Participatory Rural Development in Pakistan*. Oxford: Oxford University Press.
Niazi, H. A. (2003). Financial administration. In J. R. Khan (Ed.), *Government and Administration in Pakistan*. Islamabad (Reprint 2003). Government of Pakistan.
Parliament, Report of the Royal Commission on Public Services in India. (1917). *Report of the Commissioners*, Islington, Cd. 8382 Vol. I. London: HM Stationery Office.
Qureshi, I. H. (1966). *The Administration of the Mughul Empire*. Karachi: University of Karachi.
Shafqat, S. (1999). Pakistan's bureaucracy: Crisis of governance and prospects of reform. *Pakistan Development Review, 38*(4), 995–1017.
Wilder, A. (2009). The politics of civil service reform in Pakistan. *Journal of International Affairs*, *63*(1), 19–37.
Woodruff, P. (1954). *The Men Who Ruled India: The Founders and the Guardians*. London: W.W. Norton.
World Bank Report. (1998). A framework for civil service reform in Pakistan. Report No. 18386-PAK. http://documents.worldbank.org/curated/eu/1998/12/440676/pakistan-framework-civil-service-reform-pakistan.

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# *Chapter 19*

# Public Policy Processes and Citizen Participation in Pakistan

Mohsin Bashir

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## 19.1 Introduction

The policy process in Pakistan has undergone a nonlinear development pattern, rooted in the development of the political infrastructure in British India from which modern-day Pakistan, India, and Bangladesh came into being. In addition to the changes in the overall national political system, the changes in the policy process have also been a result of the changes in government structures, levels of devolution, involvement of various institutions, and the political climate of the country. Starting in the late twentieth century, interventions by international financial agencies and foreign governments have played key roles in influencing the policy processes in Pakistan. The country's role in the American invasion of Afghanistan in 2001 and the ongoing military conflicts afterward have also had a significant impact on many policy areas. The first decade of the twenty-first century has also seen a considerable increase in citizen participation in the policy process in Pakistan in the form of devolved government structures and formation of public–private partnerships, and so on. The following sections review the policy processes in Pakistan through various phases of the country's political history, identify the key players in the policy process, and finally comment on the situation of citizen participation in policy processes.

## 19.2 Historical Evolution of Public Policy in Pakistan

### *19.2.1 Before Independence*

By the beginning of the late modern period of global history, the Indian subcontinent had been almost entirely colonized by the British through the military and commercial holdings of the British East India Company (BEIC). Under the de facto British rule, the extant civil institutions within the Indian princely states were kept intact, with a small contingent of BEIC providing macrolevel oversight and guarding the financial interests of the company. These institutions were mainly developed by the Moghul Empire, which consolidated and ruled the Indian Subcontinent in the early modern period of global history. The civil bureaucratic infrastructure operated at the state (riyasat), province/district (subah/zilah), county (tehsil), and village (mauza/deh) levels and was mainly concerned with collection of agricultural and trade taxes and the provision of military recruits and had little to no role in the provision of public services.

British India was officially made a domain of the British empire in 1858, and governmental reforms followed shortly. Civil bureaucracy was organized around central and provincial revenue collection, as well as general public services, referred to collectively as subordinate services. The levels of administrative hierarchy were increased to six, that is, center, province, division, district, tehsil, and village. However, the top-down system of policy formation and implementation was strictly enforced, with civil bureaucrats retaining administrative powers as well as judicial functions. Such an infrastructure was ideal for the colonial government, as it allowed the British viceroy to maintain complete administrative and financial control on the colony with only a 1,000-strong civil service.

By the mid-twentieth century, there was significant local representation in provincial legislative bodies as well as the civil service. The provincial legislative bodies were given the power to make policies concerning agriculture, local government, health, and education. However, with the judicial powers still lying with civil service members and the ability of the central government

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to limit provincial powers through constitutional safeguards, the civil bureaucracy still enjoyed great discretion over the implementation of public policy.

### *19.2.2 After Independence*

In 1947, British India was divided into two independent dominions, Pakistan and India. As a dominion, Pakistan retained the existing government model of British India as outlined by the Government of India Act 1935, with slight modifications. A Westminster-style parliamentary system was adopted for the central government, with the state headed jointly by a governor general and the British Crown, and the government headed by a prime minister. The Government of India Act 1935 was written to provide regional autonomy to local politicians in British India at the same time maintaining a forceful control of the Empire's viceroy over all matters of state. This resulted in the creation of a very strong civil bureaucracy that could override the political will of the elected governments, if the viceroy or his appointed governors felt the need. Using this act as basis for the constitution of the independent country brought the same powerful bureaucratic structure to Pakistan as well and vested the bulk of political power in the federal government. This is perhaps the reason why despite undergoing several political transitions, including going back and forth between military dictatorship and different forms of constitutional democracy, the country's public policy processes remained fairly unchanged.

In 1954, after some political disputes within the federal government, Malik Ghulam Muhammad, the governor general of Pakistan at that time, dissolved the legislative assemblies and brought the country under federal control. Civil bureaucrats, most of whom were already trained in such administrative practices under the colonial viceroys, were instrumental in enforcing this control. The constitutional coup of 1954 was shortly followed by martial law in 1958, which resulted in the rise of Pakistan's first military dictatorship under General (later President and Field Marshal) Ayub Khan, which lasted for over a decade.

This suspension of political evolution in Pakistan had far-reaching outcomes in the policy arena. In the absence of strong local democratic institutions, the office of the federal head of state or its appointed provincial governors were in charge of dictating all matters of public policy from health and education to agriculture and communications. President Field Marshal Ayub Khan's office can therefore be seen acting across the board in terms of public policy, from creating Pakistan Writer's Guild in 1959 to dissolving existing political entities in Pakistan upon allegations of corruption in 1959, and from regulating the news and publication organizations in 1960 to legislating the institution of marriage in 1961.

After about two decades of almost absolute federal control, including two consecutive military dictatorships and a civilian martial law administration, the first significant change in the status quo regarding public policy in Pakistan came with the 1973 Constitution, developed by the elected government of Pakistan People's Party (PPP). This party came into power through a popular movement of industrial and farm workers led by young intellectuals with socialist inclinations. For the first time in Pakistan's history, this constitution allowed elected officials to interact with the bureaucratic infrastructure and exercise influence in civil service appointments. However, the policy process was still heavily under the influence of the federal government, and a number of radical policy changes, such as nationalization of large financial, educational, and industrial institutions, were being carried out at the behest of the country's leader, Zulfikar Ali Bhutto. While the 1973 Constitution (as amended) still serves as the Constitution of Pakistan, the policy interventions of Bhutto's era, such as superiority of elected officials over public servants and continued nationalization of private commercial holdings, did not sustain. The country returned

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to a decade-long military dictatorship in 1978, and once again the politically elected bodies were replaced by civil and military bureaucrats and federally appointed technocrats in all areas of public policy.

### 19.2.3 The Role of Religious Institutions in Public Policy

A discussion on the context of policy development in Pakistan will be incomplete without a discussion on the role of religious institutions. With religion deeply rooted in the local culture and under the influence of an overwhelming Muslim majority in Pakistan's population (97–98%), religious institutions, though not significantly represented in legislative bodies, exercise significant control over policy formation in Pakistan. While no religious political party has ever been able to form a majority in the federal government or, with one exception, the provincial governments, religious organizations make for very strong lobbying groups. Their influence is evident in the fact that each constitution of Pakistan ever drafted provided clauses ensuring compliance of the law of the land to Islamic values that defined the country as an Islamic Republic. This influence was further codified in the 1977 amendments to the Constitution. Under pressure from religious organizations, the Government of Pakistan took radical measures, such as a comprehensive ban on alcohol, changing the weekly holiday from Sunday to the Muslim holy day of Friday, and so on. The rise to power of Zia ul Haq, the conservative military dictator, combined with the US military intervention in Afghanistan, using a proxy army raised by instigating traditionalist Muslim tribesmen to holy war against Russia, strengthened the role of fundamentalist religious factions in Pakistan's public policy.

An interesting piece of evidence of the strong, and perhaps unreasonably strong, influence of religious organizations on public policy can be observed in the case of the Hudood Ordinance of 1979. This ordinance helped prosecute suspects according to Islamic law for certain crimes. However, when the government in 2006 attempted to correct some very obvious omissions in the law, it faced nationwide opposition from groups that did not want a law made in the name of Islam to be altered in any way. Rape and adultery in Pakistan are dealt with under the Hudood Ordinance, a controversial set of Islamic laws introduced in 1979 by General Zia-ul-Haq. The main problem with the law was that, while it described the Islamic method of trial and punishment for adultery, it did not provide safeguards for protecting women who were raped. So a rape victim could be charged with adultery if she failed to provide evidence that she was in fact raped and it was not consensual intercourse. In 2006, the government was eventually able to implement the reforms under the Women's Protection Bill but not before a prolonged debate and considerable investment in media campaigns to gain support for the reforms.

### 19.2.4 Pakistan's Contemporary Administrative Infrastructure

Pakistan underwent a major administrative restructuring process after the passage of the Local Government Ordinances (LGOs) of 2001 (NRB 2001) and the formation of the National Reconstruction Bureau (NRB 2002). A lot of governmental functions held at the provincial level of government were handed over to smaller administrative units. The administrative structure of Pakistan under this system consisted of a six-level hierarchy, namely federal, province, district, town (also called Tehsil and Taluka), and union council (The Punjab Local Government Ordinance 2001). The heads of all of these units were elected officials and were assisted by civil service professionals. However, in 2008, the elected leadership positions were eliminated from the district levels downward, and the previously defunct level of division was reestablished between

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provincial and district governments. Divisions are headed by the commissioner, a career civil service position. The structure and function of Pakistan's civil bureaucracy is discussed in the following section.

## 19.3 Key Players in Public Policy Processes in Pakistan

### *19.3.1 Civil Bureaucracy*

The civil bureaucracy in Pakistan has been one of the most stable institutions in the nation's history, despite the rocky political developments. The civil service infrastructure was developed by the Government of British India primarily for revenue administration in the newly established colony. Comprised entirely of British officers at its inception, the service made way for locals in the following decades. After its independence, even though Pakistan increased the number of its civil servants, the overall infrastructure of the civil service stayed similar to the colonial model, probably because it better served the interests of limited-democratic or nondemocratic governments that ruled the country for the first few decades. The Constitution of 1973 broadened the scope of the centralized civilian bureaucracy to comprise almost all governmental functions at the federal and the provincial levels, with a new cohort of officers being recruited and trained at the same time each year (Federal Public Service Commission Ordinance 1977).

Pakistan's federal civil service, also known as the Central Superior Services (CSS), and its provincial counterparts govern most public institutions, such as revenue, police, communications, education, health, commerce, and finance. These services also provide administrative cadre employees to the local governments. Some special purpose institutions such as metropolitan area development authorities, the national supplier of electricity, and some research organizations exist as government-owned autonomous bodies. CSS officers are inducted through competitive examinations as entry-level managers into various professional groups. At present, these professional groups include commerce and trade, customs, district management, foreign service, revenue, information, military lands and cantonment, office management, audits and accounts, police, postal, and railway groups. Upon passing the written exams and interviews, these recruits undergo 2 years of rigorous training in general administration, as well as the professional group they get hired for, and undergo continued trainings as they advance in their careers. Civil service trainings in Pakistan are organized using a network of training institutions under the auspices of the federal government's National Management College of Pakistan.

Since its very foundation, the civil service was considered one of the most important, if not the most important, government organization in the region and was considered by the British as the "steel frame on which the entire structure was built on" (Chakrabarty 2008). The influence of the civil bureaucracy has continued ever since in matters of public policy as well as other matters such as the operation of non-profits, the function of political government entities, and public works.

As mentioned above, the administrative hierarchy in Pakistan is broken down into six levels. However, the civil bureaucracy operates at only two levels, federal and provincial. Officers of the District Management Group (DMG) are the most influential among Pakistan's civil service, and while they begin their careers by heading local revenue administrations, they move on to find placements in almost all government departments and are trained for such positions through specialized units of the National Management College. In post-2008 Pakistan, each administrative unit of the country other than the federal and the provincial governments

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is headed by civil bureaucrats, most of whom are members of the DMG. Even the technical, educational, and welfare organizations owned by the government are staffed by these bureaucrats on key administrative posts. A number of public–private partnerships in the country are chaired by retired, on-leave, or seconded civil bureaucrats.

The training and professional experience in a broad range of public services in Pakistan as discussed above give the civil bureaucrats an insight to public policy unmatched by any other institution in the country. The bureaucrats are able to quickly span the geographical and functional boundaries of their public organizations to gain access to the latest information in all issue areas and are able to mobilize support networks to ensure affirmative action on policy proposals. With a lack of professional policy entrepreneurs in Pakistan and a lack of training for elected officials to understand the functions of their organizational portfolios, civil servants have enjoyed great influence in drafting and implementing public policy in Pakistan. The dynamics of this influence is discussed further in the following sections.

### 19.3.2 Military Bureaucracy

While the military bureaucracy has not been as active in the internal policy processes in Pakistan as the civilian bureaucracy in recent years, it has had a strong influence on such processes in the past. Pakistan has undergone five military administrations since its inception, amounting to well over three decades. These administrations saw a strong military presence in the civil services, with active and retired military officials heading provincial governments and different government-owned institutions. In addition, in the mid- to late 1990s, the political government in Pakistan involved the military in almost all the civilian institutions in an attempt to curb corruption and to bring military-style discipline and accountability to the civilian organizations.

The factors listed above, combined with the significant role played by Pakistan's army in the country's politics and economy (Siddiqa 2007), influences the military bureaucracy when it comes to public policy processes in the country. However, unlike the civilian bureaucracy, this influence does not go to the extent of actually drafting public policy documents; it rather provides impetus to civilian authorities to take policy initiatives.

### 19.3.3 Political Institutions

With a political history riddled with military coups, mid-tenure dissolutions of legislative assemblies, and dictator-run governments, the role of political institutions in Pakistan has been rather limited in the public policy processes. However, political parties have been responsible for some critical policy incidents in the country. The PPP in the 1970s led a number of socialist-inspired reforms in the country, with the nationalization of schools, banks, manufacturing organizations, and other institutions. Similarly, Islamic reforms were led by the Islami Jamhoori Ittehad in the late 1970s, such as the banning of alcohol and policies in media censorship. However, in the past couple of decades, mainly because of extensive party switching and opportunism, the mainstream political parties in Pakistan do not outline clearly defined policy agendas. The lack of policy leadership from political institutions is perhaps the main reason why policy formation has almost entirely become the domain of the civilian bureaucracy and foreign consultants. A 2008 study by the Strengthening Democracy through Parliamentary Development (SDPD) project of the United Nations Development Programme (UNDP) tabulates the functions assigned to the federal ministries in Section II of the Rules of Business based on Articles 90 and 99 of the 1973 Constitution of Pakistan (UNDP 2008). This analysis showed that out of about four dozen federal

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ministries, only a few had the ability to govern macro-level policymaking, leaving the rest to executive orders and bureaucratic discretion.

The elected political institutions have shown some activity on the policy horizon in recent years. The previously federally administrated northern areas of the country were finally given the status of an autonomous territory with its own legislative assembly. Similarly, the Northwest Frontier Province, named by the British government, was finally changed to the culturally appropriate Khyber Pakhtunkhwa, and some deliberations are underway on improving the administrative infrastructure of the country by subdividing its large provinces into smaller ones. However, most of the political activity is still based on opportunist politics and power plays without much policy-related outcome.

### *19.3.4 Judicial Institutions*

The judiciary in Pakistan was not historically a key player in the public policy processes. However, around the mid-2000s, the Supreme Court of Pakistan started taking a closer look into matters of policy and started intervening when irregularities were found. A number of national privatization deals, excavation rights, federal and provincial laws, and other matters of public life have come under judicial scrutiny in the past decade, and government contracts given thereof were voided if evidence of corruption, nepotism, or other political foul play was discovered. Similarly, the judiciary took notice of several cases of social justice, getting in direct conflict with powerful regional actors, including politicians and large landowners. The activism of Pakistan's judiciary resulted in the judicial crisis of 2007, which resulted in the pro-judiciary public activism, political ramifications of which were a major factor in the loss of power of Pakistan's strong military dictator, Pervez Musharraf. The judiciary remains active in Pakistan's political horizon in general and in public policy in particular. Pakistan's federal and provincial governments have been subjected to judicial review several times on matters of corruption and foul play. The most notable of such cases was the recent demand by Pakistan's Supreme Court to reopen suppressed corruption cases against Pakistan's sitting president and convicting the country's sitting prime minister of contempt of court for his inaction upon the same.

### *19.3.5 International Financial Agencies*

International financial institutions, such as the World Bank, the Asian Development Bank (ADB), and the International Monetary Fund (IMF), have played a significant role in infrastructural and fiscal development in Pakistan. Like most developing countries, Pakistan has relied heavily on foreign loans facilitated by these institutions for development projects as well as to meet fiscal deficits, giving these institutions the ability to influence public policy in Pakistan. The IMF was one of the key financial service providers for Pakistan from 1989 to 2004. An important aspect of the IMF loan agreements was the ability of the agency to dictate the taxation and finance policies in Pakistan to increase the country's viability as a debtor. These policies resulted in restructuring of Pakistan's inland revenue service and governmental subsidy mechanisms. Salient features of this restructuring were the imposition of a 15% federal general sales tax on commercial activity and the abolishment of subsidies on fossil fuels, especially petroleum, which resulted in an increase of more than 100% in petroleum prices in Pakistan within a few years.

Aside from taxation, the national reconstruction efforts in Pakistan beginning in 2002 saw increased participation by the international financial agencies in the country's public policy areas. In addition to providing resources and consulting on developmental projects in the

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country, these institutions started directly taking part in matters of public policy. The usual practice was for these organizations to offer a complete policy package, with new and improved models for running government business, provision of consultants to help implement the organizational changes, and provision of loans to cover the costs of restructuring. A very significant case of such involvement was the ADB's Devolution Support Program in which the bank's consultants helped Pakistan implement its Local Governments Ordinances of 2001. The policy processes in many areas, particularly revenue, finance, education, and public health, were rewritten with the ADB's support to devolve the power from provincial governments to district governments. ADB set up project support units in all provincial capitals of Pakistan to facilitate this process, thereby steering both policy development and implementation phases (ADB 2009).

Another similar case was of the devolution program in Pakistan's canal irrigation system. The World Bank provided the Government of Pakistan with financial capital for making the requisite technical enhancements and organizational changes. As part of the new policy, the canals are managed by partnerships of farmer cooperatives while government organizations provide monitoring and evaluation services and technical assistance. Again, the World Bank consultant teams were involved in drafting the policy processes as well as training the government officials to facilitate policy implementation (World Bank 2010).

### *19.3.6 Foreign Governments*

The foreign government that Pakistan relies on the most, both in terms of economic and defense cooperation, is the United States. Pakistan, ever since its independence, has enjoyed the status of a close US ally. This reliance increased heavily during the Russian invasion of Afghanistan and Pakistan's involvement in the resulting decade-long US-backed proxy war. While the 1990s were marked by several economic sanctions imposed on Pakistan by the US, the aid resumed after Pakistan became the most critical US ally in its 2001 invasion of Afghanistan and the US-led war on terror in general. This involvement caused significant changes in all areas of Pakistan's public policy. For one, it ushered in another decade of military dictatorship finalized by integration of Pakistan's military bureaucracy into its public policy processes. Second, several fundamentalist, religious elements that in the 1980s had been considered active participants in the policy processes now started viewing the government in a negative light. At a more radical level, the incidents of violence in the country reached unprecedented levels, with tens of thousands of terrorism-related deaths and militant movements in the country's northwest, in some cases declaring break away states within the country. This situation resulted in revamping the country's public policy in a number of areas, most significantly those relating to law and order and to emergency response. Some areas of the country have been offered alternative judicial systems in the hope of countering militant influence in those areas.

Other foreign governments that have been able to influence Pakistan's policy processes are China, Saudi Arabia, and the United Arab Emirates. Concerned mainly with Pakistan's economic and foreign policy initially, all of these countries have expanded their interest to involve other areas of public policy, especially local business and education policy. China has recently sponsored a program with which Pakistani primary school children in the Sindh province can get full scholarships if they take Chinese as a subject. Other countries such as Canada and a number of European and Asian nations also take part in the policy processes of Pakistan in different issue areas such as tourism, economic development, rural development, energy, commerce, public health, and education.

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## 19.4 Contemporary Public Policy Processes in Pakistan

Despite being democratically elected, both federal and provincial governments in Pakistan exhibit a leader-focused approach that is quite reminiscent of a dictatorship. The reason perhaps is the fact that almost all major political parties in Pakistan are centered around leaders with lifetime tenures. In most cases, the party leadership is held strongly within the families of these leaders and is passed on as inheritance upon the demise of the leader. It is because of this reason that even the politically elected governments of Pakistan often exhibit the leader-centered tendencies of a dictatorship. As a corollary, policy processes in Pakistan have generally been top-down in nature, where central and provincial leaders, with the help of civil bureaucracy, dictate policy either as a result of their own initiative or under the influence of a foreign government or international agency. However, as discussed in the previous sections, in recent years, the legislative institutions have been more active in policymaking. Finally, there have been several instances in the recent years where citizen-led public service initiatives have been adopted by the government, hence forming a bottom-up policy model.

### *19.4.1 Legislative Policy Processes*

Although the legislative body is the only official policy process in Pakistan, legislative policy processes have not been employed, especially in administrative decisions. Federal and provincial representatives bring policy issues, based on their party manifesto or the wishes of their constituents, to the attention of federal and provincial legislative bodies. If the resolution is passed, the matter is tabled to a standing committee of representatives or cabinet members who bring their recommendations back to the legislative body in the form of a bill, which upon passage becomes policy as an act of the government. The case of the Hudood Ordinance mentioned earlier is an example of this policy process.

### *19.4.2 Top-Down Policy Processes*

The most common top-down policy process in Pakistan is the one in which policy is drafted by civil servants based on the executive decisions of a political leader. In this process, a group of civil bureaucrats, following either direct orders or general policy inclination of the leader of the provincial or federal government, draw up policy guidelines. Once the policy is drawn and agreed upon, it is written up in the form of an official document called a "summary" and is sent to the government head for final approval. Upon approval, the summary is signed into policy and is dispatched to the relevant governmental organizations for implementation.

An example of this process is the formation of the Punjab Emergency Service (Rescue 1122) in 2004. Dr. Rizwan Naseer, a doctor and visionary, used his personal connections with the then–chief minister of the Punjab province and pitched the idea of a state-of-the-art emergency rescue service in the province. Inspired by the idea, the chief minister commissioned the civil bureaucrats to find ways to facilitate the pilot testing of such a project. A summary was prepared by the Punjab civil service recommending the approval of funding for a trial run of the emergency service in one district and was immediately signed into policy by the chief minister. The service successfully operated in the Lahore district of Punjab under this arrangement, after which it was adopted at a province-wide level by an act of the provincial government in 2006.

Another similar example is of the formation of the Higher Education Commission (HEC) in Pakistan in 2002. Prior to 2002, higher education in Pakistan was overseen by a federal

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University Grants Commission (UGC). This commission was merely a rubber stamp organization that processed the bureaucratic red tape related to the registration of institutions of higher learning in Pakistan and provided little to no policy oversight. General Pervez Musharraf, the then-president (and also the military dictator) of Pakistan, on recommendation of Dr. Atta ur Rehman, his advisor on science and technology, decided to replace UGC with an institution that would promote international educational exchanges and academic research excellence in addition to overseeing local higher education. Without any involvement of the legislative bodies, UGC was repealed by a presidential ordinance in 2002, and the civil bureaucracy was mobilized to write policies needed for the new-and-improved HEC, with Dr. Rehman as its head.

Another variant of the top-down policy process is the one where an interested international institution hires consultants to draw up public policy proposals, which are approved directly by Pakistan's legislative bodies either as a diplomatic settlement or after being convinced by an international lobbying effort. In these cases, the international institutions provide the policy documentation that is enacted as a law by the country's legislative bodies. The international institution then provides consultants who set up project support units in concerned government departments to facilitate the implementation of such policy. The examples provided in the previous sections of the devolution of provincially held powers to local governments in Pakistan, and the restructuring of Pakistan's irrigation department are examples of such policy processes.

Top-down policy processes, with their government supported speed and involvement of resourceful individuals, bring about the most rapid policy changes. The first decade of the twenty-first century saw considerable infrastructure development in Pakistan as a result of these policy processes. The country underwent a massive devolution program that resulted in the creation of local governments throughout the country. In addition to the examples mentioned above, broadcast media regulations were eased, and the country's broadcast system went from one state-owned TV channel to more than 50 private channels in just a few years. A national database and registration authority was established, and citizen records were computerized for the very first time, as were vehicle and land records.

On the negative side, top-down policy processes make room for more corruption, nepotism, and other political foul play as compared to the legislative policymaking process. The judicial reviews mentioned earlier in this chapter in most cases found either the central leader or a close friend or family member of the central leader as the main beneficiary wherever government contracts or political positions were acquired through corruption. Top-down policy processes also make for more radical gains or losses by special interest groups, depending on their alignment with the ideas of the central leadership. Perhaps the most prominent example is of the Islamic militant organizations that were active mainly in the Indian-administrated Kashmir. These organizations enjoyed support from the military dictatorship of General Zia ul Haq in the 1980s, and they were free to organize recruitment and fund-raising campaigns. The same organizations under the military dictatorship of General Pervaiz Musharraf in the 2000s faced severe persecution, freezing of assets, and a ban on recruitment efforts. The voice of the people of Pakistan was never represented in either of these policy choices.

### *19.4.3 Bottom-Up Policy Processes*

The idea of bottom-up public policy development is not new to Pakistan's government-sponsored, self-help projects such as the Komilla Project in Dhaka and Orangi Pilot Project in Karachi, which were established as early as the mid-1960s. However, with the advent of communication technologies, the increase in the nation's human development, and exposure to independent media

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outlets, such projects gained a new momentum throughout the subcontinent, most notably the Grameen program in Bangladesh. In Pakistan, the first contemporary program of this kind was the Aga Khan Rural Support Program (AKRSP). The program initiated as a nonprofit organization providing capacity development and microfinance services in the marginalized areas of northwest Pakistan but was soon replicated all over the country. The rural support programs (RSPs) due to their efficiency, outreach, and credibility were seen by government as reliable policy implementation frameworks.

In several areas, such as basic health, basic education, and rural development, the government created partnerships with RSPs all over Pakistan, and a number of these partnerships were raised to the level of national or provincial policy. The most notable example is perhaps of the Punjab Rural Support Program (PRSP), the rural support program for Pakistan's largest province. PRSP initiated a pilot project with a small rural medical dispensary, making it a considerably more effective health care provider without any increase in the budget. The local governments, impressed by the success, started offering other local dispensaries to PRSP to manage in some other fashion. The program became so popular that the provincial government formerly integrated it into the provinces health policy, naming it the Chief Minister Initiative on Primary Health Care (CMIPHC 2012).

A similar example is of the formation of a consortium of industrialists from all over Pakistan trying to find ways to gain access to advanced technology without having to incur too much capital cost. A technological incubator was thus developed where the local business would pull in resources to gain access to a mutually desirable new technology. Once acquired, the technology was free to be used by all members of the consortium. Once again, the effectiveness of this initiative resulted in its adoption by Pakistan's federal government into a nonprofit public/private partnership that imports new technology and provides training to local industrialists in its acquisition and usage. The initiative, named the Technology Upgradation and Skill Development Company (TUSDEC), was also responsible for creating the national technology policy for Pakistan (TUSDEC, n.d.).

### *19.4.4 Direct Citizen Participation Programs*

As apparent in the above discussion, public participation spans both bottom-up and top-down approaches to public policy in contemporary Pakistan. Health, education, and agriculture are the three policy areas where such participation is most prevalent. In addition to participating informally, there are institutions that invite citizens to participate directly in policy matters. The irrigation system in Pakistan is now managed through canal management committees that take decisions regarding water distribution and maintenance of canals servicing their agricultural land. Any person whose land is affected by a particular canal can get involved in this decision-making process. The committees are assisted by government officials who provide technical and financial management capabilities.

Pakistan is a country in great need of development for its rural health infrastructure, especially in the area of reproductive health. A program to encourage public participation in reproductive health improvement, which encourages village women to train and register as providers of health-related advice and which is officially known as Lady Health Visitors (LHV), has been active for a few decades. Studies have shown considerable improvement in reproductive health in all areas where LHV programs are operating. In fact, other programs such as CMIPHC are relying on the outreach and effectiveness of LHVs to carry out their health policy objectives (Table 19.1).

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**Table 19.1 Policymaking Processes in Pakistan**

| *Process* | *Actors*<br>*Political Institutions, Sources of Influence* | *Policy Areas* |
|---|---|---|
| Legislative policymaking | Religious institutions<br>Military bureaucracy<br>Foreign governments<br>International financial institutions | Constitutional amendments<br>Macrolevel lawmaking |
| Top-down policymaking | Heads of federal and provincial governments (may be influenced by actors mentioned above)<br>Civil bureaucracy | Most macrolevel policy areas<br>Almost all microlevel policy areas |
| Bottom-up policymaking | Local communities/leaders<br>Civil bureaucracy<br>Heads of government/political institutions | Basic health and education<br>Microentrepreneurship/ poverty alleviation/rural development |

## 19.5 Conclusion

It is evident from the discussion above that despite being an independent state for almost one-third of a century, Pakistan is still at an early stage of its evolution as a democracy. More than half of the country's history has been written under military dictatorships and martial law administrations. To date, only one democratically elected government (Pakistan Muslim League, in power from 2002 to 2008) has completed its tenure in Pakistan without getting overthrown via military or constitutional coups. Problems like corruption and nepotism exist at all levels of government. The civil service in Pakistan continues to be the strongest administrative unit of the government and prefers a detached, professional approach toward its duties to Pakistan's general public rather than an involved, service-oriented approach. The need for the existence of a service culture in Pakistan's civil bureaucracy is critical if some relief is to be provided to a population already frustrated by a plethora of social and economic problems, such as illiteracy, poverty, rapid inflation, energy supply shortage, militancy and terrorism, and foreign policy issues, such as Pakistan's strained relationships with neighboring India and Afghanistan and its troubled military alliance with the US.

However, the hopes for a better future are quite well-founded. Pakistan's judiciary is still firm in its stance against corruption in the government. Pakistan's military has been successful in keeping its distance from the legislative processes, and for the first time in Pakistan's history, the government has been able to operate without the threat of a military coup d'état. Legislative bodies in Pakistan are gearing up for much-awaited administrative reforms that will split the considerably large Punjab province, home to almost half of Pakistan's population, into smaller and hopefully better manageable units. At the same time, network governance is finding its way into Pakistan's public policy processes, and a lot of public–private partnerships are being formed, especially in the education, health, and agricultural sectors. The government, under the influence of and financial support from the United States International Development Agency (USAID), is carrying out a major civil service reform project aimed at capacity-building for civil servants

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and social entrepreneurs. Such capacity-building, combined with devolution of federally and provincially held governmental powers and a collaborative environment for public service delivery, can play a critical role in bringing the public voice to policy processes in Pakistan.

## References

ADB. (2009). *Completion Report: Pakistan Decentralization Support Program*. Manila, Philippines: Asian Development Bank.

Chakrabarty, B. (2008). *Indian Politics and Society Since Independence: Events, Processes and Ideology*. London: Taylor & Francis.

CMIPHC. (2012). Chief Minster's Initiative on Primary Healthcare. Retrieved January 18, 2012, from http://www.prsp-cmiphc.gov.pk/.

Federal Public Service Commission Ordinance. (1977). (No. XLV of 1977). Retrieved February 15, 2012, from http://www.fpsc.gov.pk/icms/admin/webpages/docs/FPSC%20Ordinance%201977%20-2007.pdf.

NRB. (2001). National Reconstruction Bureau: Local government system of 2001. Retrieved February 15, 2012, from http://www.nrb.gov.pk/local_government/default.asp.

NRB. (2002). National Reconstruction Bureau: Role and tasks. Retrieved February 15, 2012, from http://www.nrb.gov.pk/about_nrb/nrb_01.htm.

Punjab Local Government Ordinance. (2001). (Ordinance XIII of 2001). Retrieved February 15, 2012, from http://cmsdata.iucn.org/downloads/the_punjab_local_government_ordinance__2001.pdf.

Siddiqa, A. (2007). *Military, Inc.: Inside Pakistan's Military Economy*. London: Pluto Press.

TUSDEC. (Undated). Technology Upgradation and Skill Development Company. Retrieved February 10, 2012, from http://www.tusdec.org.pk.

UNDP. (2008). Parliament of Pakistan: Strengthening Democracy through Parliamentary Development (SDPD)—United Nations Development Program. Islamabad: UNDP.

World Bank. (2010). Punjab Irrigation Sector Development Policy Loan. Report No. ICR00001488. Retrieved December 30, 2011, from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2011/03/21/000356161_20110321025345/Rendered/PDF/ICR14880P09696101OFFICIAL0USE0ONLY1.pdf.

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# *Chapter 20*

# Intergovernmental Relations in Pakistan

Muhammad Amjad

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## 20.1 Introduction

The push for devolution of political power is evident throughout the world, and Pakistan is no exception. Pakistan is an example of an executive model of federalism with strong political and bureaucratic dimensions, which are sometimes in conflict across different levels of government.* Pakistan experiences strong centralizing effects that help in some public sector functions (e.g., economies of scale in technology or immunization programs), but in a federation such as Pakistan with few provinces (four), each containing large (and diverse) populations comprising significant ethnic and cultural groups, it can be argued that new institutions need to be thought about and developed in order to bring effective governance down to the lowest possible levels.

Federal systems of governance are characterized by significant diversities among their constituent units. These may relate to the relative size, population, income level, history, ethnicity, or some combination of these factors. Among the factors that motivate such diverse political units to gather within the fold of one federal system are their physical contiguity, the perception of a common external threat, and the economic incentives of being part of a larger economic unit while retaining the benefits of local self-governance. In addition, in the case of Pakistan, the provinces that opted to be a part of the new state of Pakistan were deeply inspired by the struggle of the Muslims of India to establish a distinct national identity for themselves. Because of these diverse reasons, federations are sometimes classified as centralized or decentralized federations. Against this historical background, in Pakistan the centralizing effects of the Government of India Act 1935, which was adopted as an interim constitutional arrangement at the time of independence, were strengthened. The situation did not change much until the adoption of the Constitution of 1973.

Federal systems of governance have been formed historically either through a process of aggregation or devolution (Hicks 1978). However, in the case of Pakistan, there was a combination of both of processes. The provinces opting to be part of the new state of Pakistan came together to form a new federal country through aggregation. The British government at New Delhi, through the Government of India Act of 1947, devolved its own sovereign powers in the new state. The constitutional arrangements in Pakistan continued to be in accordance with the Government of India Act 1935, in which a measure of administrative, legislative, and fiscal autonomy had been granted to the provincial governments.

Pakistan's constitution includes local authorities in its definition of "the State" (Constitution of the Islamic Republic of Pakistan 1973). The Principles of Policy make it incumbent to "encourage Local Government institutions composed of elected representatives of the areas concerned" (Constitution of the Islamic Republic of Pakistan 1973). The local government institutions have historically been treated as creations of the respective state/provincial administrations, but it may be interesting to note that some of the bigger local government institutions in the country actually predate the formal constitution of their respective provinces. Thus, Peshawar was already functioning as a full-fledged district with Major Nicholson as the Deputy Commissioner in 1861, whereas the areas comprising the present Khyber Pakhtunkhwa province were formally detached from the Punjab and made a separate province much later in 1901 (then named as the North-West Frontier [NWF] Province). Likewise, Quetta as a district predates the formal

* Approximately 25 of the world's 193 countries have federal systems of governance, accounting for approximately 40% of the world's population and approximately 50% of global GDP (Chattopadhyay and Nerenberg 2010). Four basic models of federalism are (1) executive model (Canada); (2) presidential model (United States); (3) integrated federal model (Germany); and (4) cultural federal model (EU) (Hueglin and Fenna 2006).

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constitution of Baluchistan as a province in 1970. The fiscal provisions of the Government of India Act of 1919, with respect to rural and urban local bodies, also predate the devolution of legislative and fiscal powers to Indian provinces (11 at that time) under the Government of India Act 1935.

A modern trend is for increased devolution of political power, which has implications for traditional federal instruments and responses. In a federal system, this involves balancing citizen preferences for local management of local issues with higher-level management for shared issues. As Meekison (2002) notes, "The question of the possible democratic deficit is common to all systems of multilevel government." Going down to the grassroots level, maximal interaction of citizens is to be seen with street-level bureaucracy. This would mean that, in federations such as Pakistan, maximal decentralization to the district and subdistrict level may provide a partial but reasonably satisfactory solution to the problem of large (disaffected) cultural minorities within the presently constituted provinces.* As discussed further, an innovative experiment in the devolution of powers from the provincial governments to the local governments was performed through the enactment of the Local Government Ordinance of 2001. The 18th Constitutional Amendment, passed in 2010, provides a large measure of autonomy to the existing provinces, helps fulfill the long-cherished public demand for greater provincial autonomy, and may provide only a partial solution to the issues of cultural and ethnic plurality at the subprovincial levels. In fact, by providing a large measure of autonomy to the existing provinces, the 18th Amendment may simultaneously have accentuated the aspirations of large cultural minorities within the boundaries of the present provinces for comparable autonomy at the subprovincial levels.

## 20.2 Beginning of Provincial Autonomy—The Government of India Act 1935

Before 1935, one major step involving devolution of political power to the provinces was undertaken under the Government of India Act of 1919, in which the subject of law and order, previously with the Central Government at Delhi, was made a provincial subject. Most of the remaining provisions of the Act of 1919 related to devolution to the local government level. The legislation of 1935 can be considered as the most important devolutionary scheme for Pakistan and India before independence in 1947. The main objective was to devolve such functions and revenue sources to the provincial governments to maintain financial equilibrium (Niemeyer 1936).

The 1935 Act divided the legislative powers of the Government of India into three lists. The first, the Central Legislative List, contained 59 items and included functions such as external affairs, currency and coinage, defense, and banking. The second list, showing the legislative powers reserved to the provinces, contained 54 items. Included among these were local self-government, public health, law and order, police, development of certain specified industries, agriculture, and education. This list also included the subjects of relief for the poor and unemployment.

* This adds another dimension to the study of federalism, namely, a balancing of the requirements of area and function, and the need for an intermixing of the two. Hence, the greater relevance of the Overlapping Authority Model of federalism compared to the previous Coordinate Authority Model (Fesler 1973; Wright 1978). Such interdependency also "inescapably there arises a degree of conflict or ineffective governance" (Chattopadhyay and Nerenberg 2010).

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The third list was the concurrent list on which the central government and the provincial governments could legislate. Included in the concurrent list were subjects such as welfare of labor, criminal procedure code, factories, trade unions, and electricity. An important feature of this devolution scheme was that the residuary powers were retained by the Central Government. "The 1935 Act laid the foundations of a highly centralized federal system in India, important elements of which have been retained in the Constitutions of the two successor governments" (Amjad 1988).

## 20.3 Intergovernmental Relations under the Constitution of 1973

The Constitution of 1973 specifically names Pakistan as a Federal Republic (Constitution of the Islamic Republic of Pakistan 1973). The decentralization scheme included in the Constitution is largely patterned on the 1935 devolution with some differences. Although there were three lists in the 1935 scheme, the Constitution of 1973 provided only two lists–a Federal Legislative List containing 67 items and a Concurrent List with 47 items. There being no Provincial Legislative List, all of the residuary functions were left to the provinces.

The Constitution of 1973 provided some important federative institutions and mechanisms to resolve sensitive political and financial issues between the federation and the provinces. Under the Fourth Schedule corresponding to Article 70(4) of the Constitution, two legislative lists were provided, a federal list and a concurrent list. This was an improvement over the 1962 Constitution of Ayub Khan, which had a single legislative list (the federal list) and had practically left few functions in which the provincial governments had exclusive jurisdiction. By including a concurrent list, the framers of the 1973 Constitution gave constitutional recognition to and acceptance of the federal principle of shared rule in such vital areas of legislation as criminal law and criminal procedures, law of evidence, civil procedures, environmental pollution and ecology, curriculum and syllabi, regulation of labor, and trade unions.

Another significant feature of the 1973 Constitution was the provision of a bicameral legislature. The Parliament consists of (1) the National Assembly, the members of which are elected on the basis of adult franchise; (2) the Senate, the members of which are elected by the provincial assemblies on a proportional representation basis by means of the single transferable vote; and (3) the President. The Senate thus provided some safeguard to provincial interests and aspirations because all of the provinces, big or small, have equal representation in it. However, the provision of a second chamber (Senate) proved to largely be a symbolic gesture because this House did not have any constitutional powers to initiate, consider, or take decisions on any money bills under the original provision of the Constitution of 1973. Some progress was made in this respect under the 20th Constitutional Amendment of 2012. Under the 20th Amendment, it is now a constitutional requirement to transmit a copy of a money bill, including the Finance Bill containing the Annual Budget Statement, to the Senate, which may within 14 days make recommendations thereon to the National Assembly. Thus, a greater voice has been given to the Senate, but its recommendations remain nonbinding.

Another significant change brought about through the 18th Constitutional Amendment relates to the transfer of executive authority of the federation from the president to the prime minister. The president is now a constitutional head only, and the prime minister is the chief executive of the country. This is in conformity with the practice in other countries (Canada, India) where the executive federal model is in place. However, the situation in Pakistan has been somewhat changed. The president (and the governors in the provinces), although not the chief executive,

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is a political appointee, with the result that what we have in Pakistan may be only a halfway house and not a true executive federal model. This is a matter that needs to be rectified because it muddies an already complicated political situation in the federal structure. Long periods of military rule have thus left their mark on the institutions of the state in Pakistan. The Constitution of 1973 in its original form exhibited features of centralized federalism.

### *20.3.1 Council of Common Interests*

The Constitution of 1973 also created a Council of Common Interests (CCI) to formulate and regulate policies in relation to matters in Part II of the federal list. Part II of the list contains subjects such as railways, electricity, major ports, national planning, and national economic coordination. These are functions that, although within the exclusive legislative jurisdiction of the federal government, involve provincial interests and require consultation and cooperation between the federal government and the provinces for the formulation and execution of appropriate public policies.

The membership of the CCI comprised all of the chief ministers of the provinces and an equal number of members from the federal government to be nominated by the prime minister. An important function assigned by the Constitution to the council relates to complaints with regard to interference with water supplies. The composition of the council and the manner of its functioning did not inspire much confidence, and very few meetings were held. Because there was no permanent chairman exercising requisite authority in dealing with the chief ministers of provinces, the council remained at best a discussion forum. There was also no provision for any periodical reports on the working of the council, nor was any permanent secretariat provided to support its working. Because of all of these factors, the council failed to make any mark as an effective forum for facilitating and promoting intergovernmental relations (IGR) until 2010, when the 18th Constitutional Amendment was passed.

Important changes were made in the composition and functioning of the council through the 18th Constitutional Amendment of 2010. Some of these are the following:

- The prime minister has now been designated as the chairman of the council.
- It has been made mandatory for the council to be constituted within 30 days of the prime minister taking the oath of office.
- The council is to be provided a permanent secretariat and is to meet at least once in 90 days.
- A provision has been made for convening a meeting on the request of a province on an urgent matter.

These amendments are expected to make this constitutional intergovernmental body much more effective than it was previously.

An important feature of the council work relates to its role with respect to policy formulation concerning the subjects included in Part II of the federal legislative list. The council will provide a constitutionally mandated discussion and policy-guiding forum even in some of the important areas of exclusive federal jurisdiction. Because of these new developments, the CCI has been called by some people a "mini-government."

### *20.3.2 National Economic Council*

The National Economic Council (NEC) is a constitutional intergovernmental body that was created in 1973 and was given the task of reviewing overall economic conditions of the county and

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of formulating plans and policies to advise the federal government and the provincial governments to ensure balanced development and regional equity. However, this advisory role has meant that the development funds earmarked by the federal government for its own Public Sector Development Program each year are not subject to any detailed scrutiny and decision by this intergovernmental body. Instead, the key role with respect to formulation of the Annual Development Program (ADP) at the federal level and the national plan appears to be played by the Planning Commission, which is not a constitutional body. Unlike the NEC and the National Finance Commission (NFC), both of which are constitutional intergovernmental bodies, the Planning Commission (previously the Planning Board) was established under an executive order of the Government of Pakistan. Later, its objectives were laid down in a Cabinet Division Resolution dated 1959. The Planning Commission's functions include the preparation of "the Annual Development Programme (ADP) within the framework of the national plan and on determination of priorities, to propose the allocation of resources" (Planning Commission 2010, p. 4).

The Planning Commission is apparently not meant to be an entirely technical body of experts. It appears to combine technical, administrative, and political functions. As such, its (current) purely technical membership may not meet its full requirements as an intergovernmental body. It currently has a full-time deputy chairman and nine members, including a secretary of the Planning Division who acts as member (coordinator) for the Planning Commission. The present arrangement could possibly be improved from the federation's viewpoint by making the Planning Commission a more representative body, with membership from all of the provinces. The importance of closer association and participation of the provincial governments in the formulation of the Federal Annual Development Program and the national plan is obvious. Federal development programs are mostly funded from borrowed funds (local and foreign), and the exercise of borrowing powers by the federal government (and the provincial governments) is a subject matter assigned by the Constitution to the NFC, which is an intergovernmental body.

Second, the actual functioning of the Planning Commission also suggests that some measures should be taken to make it a federative institution in letter and spirit. The following extract from a government publication supports the above viewpoint: "The Planning Commission exercises a decisive influence over the approval of development projects in the public sector," and because of this influence "the Commission has been in a position to exercise decisive leverage though it is primarily an advisory, rather than an executive body" (Khan 1987, p. 544). The advisory, nonpolitical role of the Planning Commission, as envisaged in the Resolutions, is also a subject matter of controversy. In this context, it is pointed out:

> The advisory, non-political character of the Planning Commission is both a myth and a reality. It is a myth because the Planning Division is an integral part of the President's Secretariat and, as such, is an arm of the Government. And it is a reality because the Commission is headed by a Deputy Chairman who enjoys the status of a Minister without Cabinet rank. This unique position enables the Deputy Chairman to be a part to all the decisions at the highest political level without drawing him into the thick of the political battle. (Khan 1987, p. 545)

Through the 18th Constitutional Amendment, the membership of NEC has been expanded to include all of the chief ministers of provinces in addition to one member from each province, to be nominated by the chief minister. Although a welcome step, it is not sufficient to meet the needs of the situation because the NEC has only an advisory role. What is needed is a more

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meaningful provincial participation in the process leading up to the finalization of the Federal Annual Development Program and the national plan by the Planning Commission.

### *20.3.3 Interprovincial Coordination Committee*

The Interprovincial Coordination Committee (IPCC), which had functioned as an ad hoc body since 1974, was located in its own division called the Interprovincial Coordination Division in 2007. The division was placed under a newly created Ministry of Interprovincial Coordination in 2008 after the installation of a democratic setup in the country. IPCC has assumed considerable importance, especially after the passing of the 18th Constitutional Amendment in 2010, in which as many as 15 ministries comprising 18 divisions have been devolved to the province as a result of the abolition of the concurrent list (Government of the Punjab 2011). The following list indicates the various functions actually transferred to the provinces up to the end of June 2011:

- Special initiatives
- *Zakat* and *Ushar*
- Youth affairs
- Population welfare
- Local government and rural development
- Education
- Social welfare and special welfare
- Livestock and dairy development
- Culture
- Tourism
- Food and agriculture
- Health
- Labor and manpower
- Women's development
- Sports
- Statistics
- Environment
- Minority affairs

It may be noted that some of the aforementioned functions had already been devolved to the provinces under the Constitution of 1973 because they were not included in the federal legislative list or the concurrent list. Notable ones among these are local government and rural development, education, livestock and dairy development, food and agriculture, and health. Thus, it was more a case of nonimplementation of the existing constitutional provisions whereby the federal government had continued to retain ministries and divisions in the above devolved subjects even after August 1973. With the abolition of the concurrent list and the transfer of the aforementioned 18 functions to the provinces, the devolutionary process, which started in 2001 with the creation of the local government institution, was completed. The IPCC comprises the following members:

- Minister for Inter Provincial Coordination (IPC; chairman)
- Provincial ministers for IPC (member)
- Chief secretaries of provinces (member)
- Federal ministers related to specific agenda items (member)

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The tasks of the IPCC include general coordination between the federal government and the provinces in economic, social, and administrative fields; promoting uniformity of approach in the formulation of policies and their implementation by the provinces and the federal government in all fields of national concern; discussion of policy issues emanating from the provinces that have economic, social, or administrative implications for the country as a whole; coordination with relevant ministries/agencies to evolve suitable responses to criticism of government policies, programs, and actions and to project a proper image of government; and any other matter referred by a province or any of the ministries or divisions of the federal government.

Thus far, 17 meetings of this committee have been held, and the issues covered in the discussions have ranged from proposals for enhancing the quota of federal jobs for Baluchistan to those toof controlling crime across the provinces (Government of Pakistan 2012). The performance record of the committee certainly seems impressive, especially because all matters brought before it have apparently been discussed and decided in a conciliatory manner. However, there is a paucity of information on its working because it appears to be keeping a low public profile. There is a need to make the proceedings of IPCC more transparent and open, especially because it has been designated as the secretariat of the CCI. This body ought to play a more proactive and leading role in the future to strengthen the federal scheme in Pakistan.

### *20.3.4 Indus River System Authority*

The Indus River System Authority (IRSA) was created through an Act of Parliament in 1992 for regulating and monitoring the distribution of water resources of the Indus River in accordance with the Water Accord among the provinces and related matters. IRSA consists of five members, one each to be nominated by each province and one by the federal government from among high-ranking engineers in irrigation or related engineering fields. IRSA is mandated to meet at least once a month. The duties of IRSA include the following:

- To lay down the basis for the regulation and distribution of surface waters among the provinces according to the allocations and policies spelled out in the Water Accords
- To review and specify river and reservoir operation patterns and periodically review the system of such operations
- To coordinate and regulate the activities of the Water and Power Development Authority (WAPDA) in the exchange of data among the provinces in connection with the gauging and recording of surface water flows
- To compile and review canal withdrawal indents received from the provinces on a 5-daily or, as the case may be, 10-daily basis and issue consolidated operational directives to WAPDA for making such releases from reservoirs as the authority may consider appropriate or consistent with the Water Accord
- To settle any question that may arise between two or more provinces with respect to distribution of river and reservoir waters
- To consider and make recommendations on the availability of water against the allocated shares of the provinces within 3 months of receipt of fully substantiated water accounts

The decision mechanism is through majority votes. However, if a provincial government or WAPDA is aggrieved by any decision of the authority, it may make a reference to the CCI. The CCI, on receipt of such complaint, may either give its decision or request the appointment of

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a commission. On receipt of the commission report, the council is authorized by the Constitution to give its decision, which is binding on the federal and provincial governments.

In actual operations, IRSA has been bogged down in several controversial decisions. Leaving the technical aspects aside, the fact remains that this body faces an uphill task. What complicates the issue is the unreliable and inadequate flow of waters through the system. These flows are almost entirely at the mercy of the seasonal flows in the rivers and rain/weather conditions in the catchment areas. The situation is worsened by persistent allegations of stoppages or diversions across the border in India. The sowing season of the Rabi (winter) crop especially witnesses scenes of acute anxiety and distress in the farming communities, particularly in the Punjab and Sindh, as the water levels in all of the rivers go down. This is then reflected in uncomfortable and often adversarial situations in IRSA meetings. This intergovernmental body appears to be the single most important organization that can help make or mar IGR. Much controversy in the past could have been avoided if scientific and fully-disclosed monitoring of water flows had been undertaken. Greater transparency in data collection and sharing would obviously be a welcome step. Associating enlightened members of the civil society in all of the provinces and nonadversarial educational programs on television would be steps in the right direction. Last, but not the least, the issues, although basically technical, get highly politicized because of the vital nature of water resources, as though they are the life blood of Pakistan's economy. The livelihood of millions depends on it. The CCI, being a Constitutional intergovernmental body, ought to play a more effective role in the proper functioning of IRSA. There should be more intrusive monitoring and oversight of IRSA's performance through the CCI secretariat.

## 20.4 People and Parties in IGR

### *20.4.1 Role of All-Pakistan Services in IGR*

After independence, the Government of Pakistan continued the system of All-Pakistan Services and Central Services on the analogy of All-India Services and Indian Central Services in British India. The two prominent cadres under the All-Pakistan Services, namely the Civil Service of Pakistan (CSP) and the Police Service of Pakistan (PSP), are more relevant for our current discussion of IGR in Pakistan. The nomenclature of CSP was changed to the District Management Group (DMG) as a result of the administrative reforms of 1973. However, the police group has retained its nomenclature. Recruitment to these cadres and the training of officers is the responsibility of the Federal Public Service Commission and the Establishment Division, respectively.

The fact that the service matters of these two All-Pakistan cadres, namely the DMG and the PSP, are controlled by the federal government has implications for IGR. Most of these officers spend the first 18–20 years of their service in one or more provinces where they occupy important field jobs. If the same political party happens to be in power at the centere and also in the province, these officers may face a difficult time in enforcing rules and regulations, which could hurt the vested interests of politically entrenched groups. In other situations in which the ruling parties are different at the federal and at the provincial level, the officers of these two cadres may find themselves between a rock and a hard place in enforcing the writ of law. A recent instance in which a district police officer (DPO) was summarily transferred to a far-off place, simply because he tried to do the right thing in the public interest and in due observance of law, shows the present weaknesses in the federal structure and the mileage we have to cover to establish stable

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and tension-free IGR that are based on the rule of law and in the federalist spirit, as in some other stable federations. The troubling question of whether the rule of law and the rule of democracy are mutually reinforcing values or competing values comes foremost to mind. In the stable Western federations, there would be a prompt answer that both of these values are indispensable to each other. It is fortunate that with an independent judiciary such actionable wrongs, as noted earlier, are being addressed in real earnest, but recourse to a higher judiciary is not within the reach of every stray civil servant. The civil servants in Pakistan lost a lot, and the society lost even more, when their constitutional protection was taken away through the administrative reforms of 1973. The Indian civil servants and Indian society have been luckier in this respect.

### *20.4.2 Political Parties*

The role played by the political parties in IGR in a federation such as Pakistan can be very significant in the evolution of a truly federal political culture. Well-organized parties with membership and following extending over the entire country have the power to mold public opinion on vital issues. Such parties in the past were the All-India Congress Party and the All-India Muslim League before 1947. Since 1947, the Pakistan Muslim League has broken up into several factions. Presently, the Pakistan Peoples' Party, along with major factions of the Muslim League, most notably the Pakistan Muslim League (Nawaz) and some regional parties, hold sway in the political field.

An important development of recent times is the growing factionalism in the governance structure in Pakistan. The rise of the regional parties and the factions of the old Pakistan Muslim League have given rise to the new phenomenon of coalition politics in Pakistan. Although the players in the coalition game claim to be motivated by nothing but high moral principles and the welfare of the people at large, one cannot escape a feeling that the behavior of most political parties shows ad hocism and commitment to short-term political and personal gains rather than well-thought-out and comprehensive policies on issues of national importance. It is not to say that the outcome of such coalition politics or logrolling is always undesirable. On the contrary, the federation has seen some major achievements since 2008. These include the consensus achieved on the 7th Award, and the unanimous passing of the 18th, 19th, and 20th Constitutional Amendments. However, the political stability and improvement in economic conditions leading to public welfare remains an elusive goal.

It is interesting to note that a parallel development has also taken place in neighboring India. "As a result of the regionalization of party system …the political process which was the major means of conflict resolution often seems to have broken down in India. As a result, judiciary is called upon to resolve a large number of disputes which could be better settled by the political process" (Saxena 2010).

It is possible that what we are seeing these days are passing moments of worry, and with the present functioning of an independent judiciary and a media that is fearlessly espousing causes of public welfare, the federal political system will find a high moral ground in the not-too-distant future. However, a universal commitment to the rule of law would be a prerequisite for such a development to take place.

## 20.5 Fiscal Decentralization (NFC)

It is a commonly observed phenomenon that the constituent units of most modern federations enjoy different levels of economic resource endowment. This difference in resource endowment very often results in income disparities between the federating units. The situation in Pakistan,

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and in neighboring India, is no different. Sir Otto Niemeyer in his 1936 Report to the Secretary of State for India reported that, save for the provinces of Bombay and the Punjab, the remaining nine provinces of India were expected to show substantial deficits from 1936 to 1937 (Niemeyer 1936). He then went on to recommend suitable amounts of central government subventions to keep the deficit provincial finances on an "even keel." Fifteen years later, Jeremy Raisman in his Award of 1951 reported that the NWF province (now Khyber Pakhtunkhwa) and Baluchistan (then Baluchistan States Union) were still in need of subventions from the central government to balance their budgets (Government of Pakistan 1953). It is interesting to note that the state of Bahawalpurstate, which was then a separate administrative unit within Pakistan, was financially self-sufficient, and it needed no such subvention from the central government. This situation has been termed "horizontal fiscal imbalance" in the literature.

There is another type of imbalance, namely vertical fiscal imbalance between the federal government on the one hand and the federating units on the other. The vertical fiscal imbalance arises because of open boundaries of the federating units within the federation and the nonavailability of buoyant taxes such as income tax, sales tax, and excise duties to the provinces. Having open boundaries means that there is always a possibility of the taxed industries and establishments to try to avoid the higher taxing jurisdictions within a federation and relocate to jurisdictions of low taxation. This phenomenon has been observed in Pakistan in the case of the tax-free Gadoon Amazai area and the low-tax or tax-free jurisdictions such as Azad Kashmir. The centralization of taxes for greater efficiency of tax collection creates a situation of vertical fiscal imbalance. Thus, in the budget estimates of 2010–2011 of the Government of Pakistan, of the total estimated revenues of all governments (federal and provincial), the federal government accounted for Rs. 2,285.9 billion (88.8%) against only Rs. 288.1 billion (11.19%) to be collected by all of the provinces.

To remedy these imbalances, the constitutional schemes in federal countries often provide for financial transfers from the federal to state/provincial governments. Considering the problem of vertical fiscal imbalance first, it is possible to visualize two opposite remedies to solve the problem. One could be to allow the federal government and the state/provincial governments to concurrently levy all of the major taxes. Such a measure would be largely ineffective because of the presence of open borders within the federations and the very real possibility of tax-base flight, as already noted. Another objection would be the low technical expertise in provincial tax collection machinery in a country such as Pakistan that would not allow these sophisticated modern taxes to be levied and collected with efficiency. However, the most crucial objection would be the excessive tax burden that such a scheme would impose on the citizens and thereby reduce their welfare by reducing their purchasing power.

Alternatively, any scheme that would transfer all or most buoyant taxes to the provincial level would in effect change the character of the federation to that of a confederation. Because of these multifarious reasons, the growing pattern in federal governments appears to be one of increasing tax centralization. However, we should note the main objections to tax centralization arrangements here. One is the familiar provincial autonomy argument that in practical terms is generally not stressed by provincial authorities. Collecting taxes is not a popularity-enhancing activity, and no political administration, especially at levels nearer to the people, would be willing to stake its political prospects by becoming collectors of unpopular taxes. It is far more comfortable to let another (higher) level of government face public criticism by being the tax collectors and to receive the proceeds through federal-provincial tax-sharing schemes. This approach has been noticed often in Pakistan when the provincial governments have shown only muted criticism of enhancement in various federal taxes and levies subject to sharing with the provinces.

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Regarding the second problem of horizontal fiscal imbalance, most modern federations try to achieve some interjurisdictional equality in the provision of public goods and services and the quality of life enjoyed by the citizens across the federation. The presence of these horizontal fiscal inequalities, unless corrected, could allow for jurisdictions with a larger tax basis to levy lower tax rates and still gather higher amounts of revenues compared with less-favored jurisdictions. One way to remedy such a situation would be to follow a discriminatory/differentiated grant policy by the federal government. Such a policy would take into account several socioeconomic factors in working out the relative shares of different jurisdictions within a federation.

In Pakistan, an important provision of the 1973 Constitution relates to the formation of a NFC consisting of the minister of finance of the federal government, the ministers of finance of the provincial governments, and private members, one each from a province. The commission is charged by the Constitution to make recommendations to the president on (1) the distribution of net proceeds of the pool of divisible taxes between the federation and the provinces, (2) the share of each province in the divisible pool that is based on some agreed formula, (3) matters relating to grant-in-aid by the federal government, and (4) the exercise of borrowing powers by the federation and the provinces.

Some crucial questions before the NFC that have been constituted since the adoption of the 1973 Constitution relate to the taxes that are to be included in the divisible pool, the relative shares of the federation and the provinces, and the formula for the division of provincial share among individual provinces. The first such award, after the 1973 Constitution came into being, included income tax, sales tax, and export duties on cotton in the divisible pool. Distribution between the federation and the provinces was in the 20:80 ratio. For distribution among the provinces, population was adopted as the sole criterion. The percentage provincial shares thus worked out to (1) Punjab (60.25), (2) Sindh (22.50), (3) NWF Province (13.39), and (4) Baluchistan (3.86). Under the 1975 NFC Award, the provinces experienced a dependable and steady flow of financial resources from the federal level. This certainly helped them plan their budgetary outlays with greater confidence. The next consensus award under a democratic dispensation was the 4th Award of 1991. Population remained the sole criterion for interprovincial distribution of the divisible pool under this award.

The real breakthrough came with the 7th Award (2010–2015). Significant features of this award are as follows:

- It was a consensus award arrived at through political give and take by the provincial governments and the federal government in a real federalist spirit.
- The federal:provincial ratio was changed to 44:56 in the first year of the award and 42.5:57.5 for the remaining 4 years.
- For interprovincial distribution of the divisible pool, instead of using population as the single factor, a multifactor formula was used as follows:

| *Factor* | *Weight* |
|---|---|
| Population | 0.82 |
| Poverty/backwardness | 0.103 |
| Revenue generation/collection | 0.05 |
| Inverse population density | 0.027 |

Historically, population had been used as the sole criterion for distribution of the divisible pool funds among the provinces. Thus, the relative population size of the provinces served as a measure

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of relative need for budgetary support funds. This argument was logical and was based on equity as long as East Pakistan (now Bangladesh) was part of the Pakistani Federation. It had the largest population and by all statistics the largest need for federal funds to achieve a measure of parity with the provinces of (then) West Pakistan. After the separation of East Pakistan, population as a measure of need lost its strength because, in the new scenario, the Punjab Province, which had the largest population, was certainly not the poorest. However, it is a measure of the lack of a true federalist spirit in the Pakistani Federation that population continued to be used as the sole criterion for distribution among provinces despite serious criticism and opposition from the other provinces. Alternative measures suggested by the other provinces included area (Baluchistan), collection (Sindh), and poverty/backwardness (Khyber Pakhtunkhwah). Baluchistan stressed the area factor, among others, because it has the largest land mass among the provinces and the smallest population. Collection was advocated by Sindh because most of the sea-borne imports are received through the Ports of Karachi and Bin Qasim. These imports are levied not only the normal import/customs duties but also a host of other indirect taxes (e.g., withholding tax, central excise tax,) because the ports provide the best tax handles in countries such as Pakistan where an informal/undocumented part of the economy is very large and is not easily subjected to any direct taxation measures. In addition, most multinational corporations have their head offices at Karachi (capital of Sindh), and their financial transactions with the Federal Board of Revenue take place there.

The measure relating to poverty/backwardness is somewhat problematic. It is manageable at the provincial level, but the fiscal proceeds accruing from this measure may not necessarily be directed at the most needy inhabitants of these provinces because these poor people would be scattered in pockets across the provinces and may not be easily located. In fact, such proceeds would run the risk of being merged in the general revenues of the concerned province and remain unrecognizable, as the amount meant for the poorer sections of the society in the respective provinces. This scenario is not very far-fetched because something similar to this has already happened in the case of the Iqra tax. This tax was imposed during the military rule of General Zia ul Haq, whose administration publicly announced that the proceeds of the tax would be devoted entirely to the cause of education. Thus, it was an ear-marked tax. However, in reality, the proceeds were always merged in the general tax receipts of the federal government and never allocated specifically for educational purposes.

The 7th Award was a milestone because it incorporated sacrifices and accommodation on the part of the largest province (Punjab), the share of which was reduced because of the adoption of the multifactor distribution formula from the previous 56.07% to 51.74%, and to some extent on the part of Sindh, the percentage share of which came down from 25.67% to 24.55%. Simultaneously, the shares of Khyber Pakhtunkhwah and Baluchistan increased from 13.14% and 5.13% to 14.62% and 9.09%, respectively.

A comparison with the distribution scheme followed in the Indian Federation would be useful here. The different factors (and their respective weights) used in India (12th Award) are as follows:

- Population (0.25)
- Income distance method (0.50)
- Area (0.10)
- Tax effort (0.075)
- Fiscal discipline (0.075) (Saxena 2010)

It appears that the Indian scheme is more egalitarian in nature because it attaches the highest weightage (0.50) to the income disparity factor. It also includes stronger accountability incentives in as much as 0.15 weightage has been attached to tax effort and fiscal discipline.

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The 7th NFC Award has many welcome features. It meets the provincial needs for fiscal resources and thereby brings stability and greater assurance to the task of provincial budget making. However, with larger fiscal resources there should be greater fiscal responsibility on the part of provincial governments. Second, the long-term goal for the provinces should be to move away from a position of almost total financial dependence on the federal government (as at present) to a situation in which at least 25–30% of the provincial financial needs are met from the province's own resources and tax collection efforts. If this involves a devolution of some growth taxes to the provinces, then it should be done with suitable preparation and strengthening of provincial tax collection machinery. Collecting a significant proportion of provincial revenues through their own tax effort is expected to impart a better sense of fiscal discipline among the provinces. Internal checks and accountability mechanisms should be strengthened and greater freedom given to public accounts committees in the provincial assemblies to deal effectively with cases of infringement and violation of financial discipline in public sector expenditures.

## 20.6 Devolving Power to the Grassroots Level—Local Governments in Pakistan

Before 1935, the Government of India Act of 1919 had introduced substantial reforms in the local government system. The chairmen of the district boards were made elected officials instead of appointed ones. Although the main revenue source for local governments continued to be provincial fiscal transfers, urban local governments were allowed to levy Octroi (a local entry tax for goods). Rural boards were allowed to impose land revenue surcharges, professional taxes, and vehicle taxes. The major provincial tax was land revenue, which served as a substitute for an agricultural income tax.

In a span of approximately 60 years, between the time when the Indian rule passed from the East India Company to the British government in London and the passing of the Government of India Act of 1919, several measures were taken by the government at Delhi to create and sustain a viable system of local government institutions. By 1870, there were 65 municipalities in Bengal and 127 in the Punjab. The most notable development of this period is Lord Rippon's Resolution of 1882. This resolution contained the following principles:

- Political education is a primary function of the local government.
- Rural boards similar to municipal boards should be set up.
- The unit of administration should be small.
- All boards should contain a two-thirds majority of nonofficials who should be elected whenever possible.
- The chairmen of local bodies should be nonofficials (people-elected representatives) whenever possible.

The provisions of these resolutions were given concrete shape through the Municipal Acts of 1884 passed in Bombay, Bengal, and the Punjab. The municipal committees were made corporate bodies and vested with powers to levy taxes. The acts also provided for the election and appointment of municipal commissioners. The Punjab District Board Act was passed in 1883. It was made it compulsory to constitute a district board in every district. The members of the district boards could opt for an elected or official chairman. Another milestone in the development of local government institutions in India was the Decentralization Commission Report of 1909.

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This report recommended the appointment of nonofficial chairmen of municipal committees. It was also recommended that half of the district-level income be allocated to subdistrict bodies.

It would thus be seen that within the constraints of a colonial setup, the British rulers aimed at creating a viable system of local government in India that would effectively address people's problems at the lowest level as well as provide political education. The spirit of Lord Rippon's Resolution was somewhat dimmed, after his departure from India, because of the opposition of such vested interests as the Association of Civil Servants. However, it was not extinguished, and it resurfaced in the shape of the subsequent decentralization legislation of 1909 and 1919 (Khan 1987).

### *20.6.1 Basic Democracy System of 1959*

This scheme was introduced by President Ayub Khan to achieve two objectives: (1) to build a system of local government from the bottom upward so that local problems could be addressed by the people's representatives at the local level and (2) to provide an electoral college for election to the office of the president and members of provincial and national assemblies. It was a four-tiered system, with the four tiers being the union council at the grassroots level, the Tehsil, the district, and the divisional level. The only fully representative and elected bodies were the union councils. All of the higher bodies, namely the Tehsil, district, and divisional councils, were created through indirect elections. Government officials acted as *ex officio* chairmen of the three higher-level bodies. Parallel arrangements were made for urban areas.

Although the system was not fully representative, it had the potential to help solve people's problems at the local level. Judicial powers were given to the union councils, union committees, and town committees. All of the tiers of local government were associated with programs of rural development. However, the indirectly elected character of all of the bodies above the union council/committee level resulted in giving the whole system an undemocratic and unrepresentative character. Added to this problem was their controversial role as members of an electoral college that virtually meant that all of the citizens eligible to vote under the law, except the 84,000-odd basic democracy (B.D.) members, were barred from exercising their democratic right to choose their representatives in assemblies. Given these handicaps, it was obvious that the system could not outlive its creator. With the collapse of the Ayub Khan regime in 1969, the B.D. system became dormant. It was suspended by General Yahya Khan in 1971 and was finally abolished in 1972.

### *20.6.2 Local Government Ordinance of 2001*

The Local Government Ordinance of 2001 is a comprehensive piece of legislation that sought to devolve real administrative, financial, and political power down to the grassroots level. To get an idea of the extent of devolution involved in the new scheme, it would be pertinent to compare its important provisions with similar provisions in the previous scheme, namely the Peoples' Local Government Ordinance of 1979.

#### *20.6.2.1 Merger of Rural and Urban Areas*

A uniform system of local government was set up under the Ordinance of 2001 for the rural and urban areas, whereas this distinction was maintained in the Ordinance of 1979. The broad purpose of this merger was to bring the rural areas at par with the urban areas in socioeconomic development by bringing about a more evenhanded distribution of resources for rural and

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urban area populations. By extending civic facilities down to villages, the scheme sought to stem the migration of rural population to urban centers in search of employment and better living conditions.

### 20.6.2.2 Placement of Provincial Departments, Authorities, and Agencies under the Control of the Local Government

Under the new scheme, district, Tehsil/town, and union councils were made the hubs of government activities at their respective levels. The existing divisional establishments were simultaneously abolished. The scheme of 2001 thus provided three tiers of local government. In the previous system, there were three tiers in the rural areas and four tiers in urban areas. The most important unit of local government is the district. There is a provision for the constitution of city district governments in large cities. To make this level of local government really effective, the administrative and financial authority for the management of district-level offices of the provincial government was completely decentralized. This decentralization covered as many as 47 functions performed by the existing provincial departments at the district level. These functions included district coordination, agriculture, community development, education, finance and planning, health, information technology, law, literacy, revenue works, and services. A Zila (district) Nazim is to head the district government and perform his functions with the help of a district coordination officer. The functions and powers of the Zila Nazim as given in Section 18 of the ordinance cover virtually the entire range of provincial government activities at the district level. Crucial ones among these relate to law and order and the levy of taxes and other revenue-raising measures. The district Nazim was made responsible for the maintenance of law and order, a function performed previously by the deputy commissioner, who also acted as the district magistrate and performed this role, among others, as the eyes and ears of the provincial government.

The ordinance provided for the constitution of a Zila council consisting of all of the union Nazims in the district. The Zila council was to be presided over by the Naib (deputy) Zila Nazim. It has an extensive range of functions and can levy several taxes and fees to finance the functioning of the district government. The power to levy taxes and fees, and so on, was decentralized down to the level of the Tehsil/town council and even union councils. As against this, the previous scheme did not devolve such financial and taxing powers to the local government. Reserve seats equal to 33% of the total number of the unions in the district were allocated for women. No such representation for women had been given in the previous local government scheme (Local Government Ordinance 2001).

### 20.6.2.3 Creation of Self-Governing Communities at the Village Level

The ordinance contains a provision for the creation of village/neighborhood councils. These councils were to have 5–11 members each, with one seat reserved for women and one for peasants/workers. Every such council was to be a body corporate. These village/neighborhood councils were assigned wide-ranging functions at the village level, including water supply, sanitation, maintenance of public streets and ways, watch and ward, sports events, voluntary community services, and cooperatives.

Another important body that was to be created under the new scheme was the Citizen Community Boards. These boards were meant to comprise groups of nonelected citizens who would provide voluntary, proactive, and self-help initiatives. The main purpose was to

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energize the community for development and improvement in service delivery, development and management of new public facilities, identification and development of new municipal needs, mobilization of stakeholders in the community, and so on. The Citizen Community Boards were authorized to raise funds through voluntary contributions, gifts, donations, grants, and endowments for their declared purposes. The board could also receive project-based cost-sharing support from any local government.

#### *20.6.2.4 Adjudicatory Functions of Musalihat Anjuman (Conciliation Forum)*

To provide facilities for settlement of petty disputes of the community in an amicable manner, without charging any fees, such bodies comprising persons of integrity, who were not members of the union, were to be created. An important feature of this scheme related to reference of such disputes pending before a court of law to the Musalihat Anjuman through the Union Nazim for settlement. On such a reference, when the dispute was settled between the parties through the conciliatory efforts of the Anjuman, the court could make such settlement as a ruling of the court. The provisions relating to village councils, Citizen Community Boards, and Musalihat Anjuman gave the scheme of 2001 a distinctive edge over the previous local government scheme of 1979.

#### *20.6.2.5 Bottom-Up Planning and the Ownership Incentive System*

Under this provision, the local government units at different tiers were authorized to make grants to Citizen Community Boards within their respective areas, up to 80% of the budgeted amount of an approved development scheme.

#### *20.6.2.6 Establishment of Provincial Finance Commission and Fiscal Transfers*

An important point of departure from the previous system of local government was the constitution of a Provincial Finance Commission in each province with a membership of ten, of which only four members were to be *ex officio*. Of the remaining six members, three were public representatives (one Zila Nazim, one Tehsil Nazim/town Nazi, and one union Nazim), and three were professionals from the private sector. The finance commission was charged with making recommendations for (1) a formula for distribution of resources, including distribution of the proceeds of the Provincial Consolidated Fund among the local governments; (2) the making of grants in aid by the government to the local governments; (3) any other matter relating to finance for and of the local government referred to it by the governor, the provincial government, or by a local government.

The recommendations of the Provincial Finance Commission are of a mandatory nature. However, if the Provincial Cabinet suggested any changes in the recommendations within 2 weeks of the making of such recommendations by the commission, it was the discretion of the Finance Commission to review the recommendations and the award, or otherwise.

An important feature of the provisions relating to the Provincial Finance Commission was the freedom of the commission to gather the data required for the formulation and implementation of its recommendations from the federal, provincial, or local governments and/or from any authority, corporation, or organization established by law and in which any of the governments have a controlling share or interest (Local Government Ordinance 2001).

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### *20.6.2.7 Relations between Provincial Government and Local Governments*

Under these provisions, which were quite innovative in nature, the provincial government could provide guidelines and render advice to the district government through the concerned Zila Nazim for achieving the ends of government policy and for promoting economic, social, and environmental security of the province. Likewise, the chief executive of the province (chief minister) could issue directives in the public interest to a Zila Nazim for implementation.

### *20.6.2.8 Provincial Local Government Commission*

In addition to a Provincial Finance Commission, the scheme provided for the constitution of a Provincial Local Government Commission to (1) conduct annual and special inspections of the local government and submit reports to the Chief Executive of the Province, (2) arrange a special audit or enquiry concerning a local government, and (3) resolve disputes between any department of the government and district government or between two district governments. Even a cursory glance at some major functions assigned to the new tiers of local government would show that this scheme constituted a watershed in the history of devolution schemes for the local government. Law and order was made the responsibility of the district Nazim, and the DPO was required under the law to assist him for this purpose. This shows that the district Nazim had the powers of the chief executive of the province within his own district which also gave him the role of a super-deputy commissioner.

The district governments were vested with wide-ranging legislative and financial powers. All of the provincial establishments in the district were placed under the control of the local government. Whereas under the previous local government system, there was a control mechanism by the provincial government, under the new scheme complete political authority was devolved to the elected representatives of the people. The designations and roles of the civil servants were redefined under the local government scheme of 2001. The various departmental heads (i.e., executive district officers and district officers), although functionally independent, were brought together through the coordinative arrangement with the previous District Management Group (D.M.G.) officer acting as District Coordination Officer (DCO). Because the DCO was administratively and functionally under the full control of the Zila Nazim, this measure gave the Nazims administrative authority over all of the provincial government departments in the district.

One major shortcoming of the new system was the provision regarding nonparty elections (Article 153). This meant that an effective intergovernmental link with the higher levels of government in the federation was lost. The system of interlocking of membership of the district council and Tehsil/town council also impaired the democratic character of the scheme. The merger of rural and urban areas under the local government scheme of 2001 was, on the face of it, a progressive step. It would serve the purposes of equity as well as balanced growth of the urban and rural areas within the provinces. However, the step had political implications for those provinces where the demographic character of populations residing in urban and rural areas was different. In the province of Sindh, where a job quota system had been in operation for a long time, with a ratio of 55:45 for rural:urban populations, such a step effectively meant that the job quota system would be abolished to the detriment of the affected people. This issue would need careful and patient attention for a satisfactory solution.

The role of the district Nazim, under the new scheme, as the custodian of law and order in the district also brought up some difficult questions about the impartiality of the political leadership in the district. It was generally considered that a politically elected and oriented district Nazim,

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in our cultural environment, could not be expected to perform in as objective and legal a manner as his counterparts in stable democracies of the West. Likewise, the Nazim's seemingly virtual control over the government machinery in the district and the vast powers of the district administration to raise revenues and incur expenditure were subjects of some controversy. These are very real issues and cannot simply be brushed aside.

An important vested interest that surfaced after the new local government system was put in place was that of the affected district-level government employees who did not want any administrative control and supervision of their performance by the district administration. Their concerns were mainly related to the apprehensions of partiality and bias in service matters, as mentioned above. An important point that came to notice in the functioning of the new district administration scheme related to the lack of clarity between the respective roles of the executive district officer and the district officer as the head of the hierarchy of each department in the district. It appears that officers posted on these two jobs have tended to enjoy almost the same seniority and technical expertise. As such, if all of the departmental work gets done at the level of the district officer, the executive district officer has nothing to do and would simply be occupying a sinecure job. As and when the local government elections are held and the scheme is revived, this aspect would need to cleared up.

## 20.7 Conclusion

The brief foregoing discussion about IGR in a federal system, with particular reference to Pakistan, brings up several issues. Some of these are of a general nature and apply to all federations. Others have greater relevance for Pakistan. For example, interjurisdictional conflict and tensions are generally observed in federations. The way through these problems lies in showing greater tolerance and mutual accommodation by all concerned. This spirit was in evidence in the adoption of the 18th, 19th, and 20th Constitutional Amendments. It is not always possible to fit functions to the available resources at different levels of government in a federation all of the time. It has been noted that federations grow over time, and solutions that are considered satisfactory today may be considered inadequate tomorrow. New areas of conflict may arise over time. We may, at best, hope to manage and contain the areas of conflict, and perhaps the IPCC may provide such a forum in Pakistan.

There is much change, the effects of which are yet to be known. The elimination of the concurrent list through the 18th Constitutional Amendment conveys an unfortunate feeling of a lack of trust between different government levels that should be carefully avoided. Although a concurrent list creates complications, it also provides a basis for mutually reinforcing efforts by the governments at different levels to work for greater public welfare. The recent rise of factionalism and regional parties needs not be a cause for concern, but it may be the start of a process for creating concurrent majorities that bring about greater accommodation of the agendas of cultural minorities. This could strengthen the federation in the true spirit, provided that such coalition building does not degenerate into personal agendas and those of vested groups camouflaging as national interests. The present freedom of print and electronic media and the rise of an independent judiciary provide a basis for optimism. We may hopefully see the growth of public spiritedness and respect for the rule of law. Another source of strength for the Federation of Pakistan may be provided by a revived local government system under the Local Government Ordinance of 2001. It is hoped that the provincial governments in Pakistan will eschew short-term party interests and revive this vital level of governance without delay.

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## References

Amjad, M. (1988). *Aspects of Fiscal Federalism in Pakistan*. Lahore, Pakistan: National Institute of Public Administration.

Chattopadhyay, R., and Nerenberg, K. (2010). *Global Dialogue on Federalism: Dialogues on Intergovernmental Relations in Federal System*. Montreal, Canada: McGill-Queen's University Press.

Constitution of the Islamic Republic of Pakistan. (1973). Accessed April 16, 2012. http://www.mofa.gov.pk/Publications/constitution.pdf.

Fesler, J. (1973). The basic question: How to relate area to function. In *The Administration of New Federalism: Objectives and Issues*, ed. L.E. Grosenick. Washington, DC: American Society for Public Administration.

Government of Pakistan. (1953). The Distribution of Revenues Orders, 1953. Statutory Orders Regulatory Allocation of Revenue b/w the Federal Government and the Provinces, 18–21. Finance Division, Government of Pakistan (Go. No. 23 of 1953).

Government of the Punjab. (2011). *White Paper Budget 2011–12*. Lahore, Pakistan: Finance Department. Accessed April 16, 2012. http://www.gov.org.pk.

Hicks, U.K. (1978). *Federalism: Failure and Success—A Comparative Study*. London: Oxford University Press.

Hueglin, T.O., and Fenna, A. (2006). *Comparative Federalism. A Systematic Inquiry*. Peterborough, CA: Broadview Press.

Khan, J.R. (1987). *Government and Administration in Pakistan*. Islamabad, Pakistan: Government of Pakistan.

Local Government Ordinance. (2001). Ordinance XIII of 2001. www.pap.gov.pk/uploads/acts/426.html (accessed December 28, 2012)

Meekison, J.P., ed. (2002). *Intergovernmental Relations in Federal Countries. A Series of Essays on the Practice of Federal Governance*. Ottawa, Canada: Forum of Federations.

Niemeyer, S.O.E. (1936). *Government of India Act, 1935. Government of Burma Act, 1935. Draft Government of India (Commencement and Transitory Provisions) Order: Government of India (Distribution of Revenues) Order: Government of Burma (Commencement and Transitory Provisions) Order. Explanatory Memorandum on the Draft Orders and Views of the Provincial Governments, the Government of India and the Secretary of State for India on the Report of the Financial Enquiry Made by Sir Otto Niemeyer*. London, UK: HM Stationery Office.

Planning Commission. (2010). *Manual of Development Projects*. http://www.pc.gov.pk/mdp/pdfs/Manual%20for%20development%20projects.pdf. (accessed October 1, 2012)

Saxena, R. (2010). *Intergovernmental Interactions in the Indian Federal System,* www.psa.ac.uk/journals/pdf/5/2010/76s_ 541.pdf. (accessed December 28, 2012)

Wright, D.S. (1978). *Understanding Intergovernmental Relations*. North Scituate, MA: Duxbury Press.

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# *Chapter 21*

# Public Service Ethics in Pakistan

Abu Rashid Jafri

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## 21.1 Introduction

Ethics culture in Pakistan is extremely poor in terms of running the affairs of state. The ethical climate shows rampant corruption at all levels of social structure, particularly bureaucrats and politicians who, across political divides, have systematically used public resources for improper and illegal personal gain. Pakistan has been governed by its elites, mainly bureaucratic, military, and political, since its birth on August 14, 1947. Due to ethically weak and politically dominated means of accountability, only a small number of people work according to the principle of fair play and justice, while the majority of them normally prefer to follow the path of corruption, which is burgeoning. Bureaucratic and other elites have subverted genuine attempts at accountability and, at times, have even defied the judgments of the Supreme Court of Pakistan. In short,



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the politico-bureaucratic culture of Pakistan is characterized by an unethical value system, which has penetrated all aspects of life of people in their conduct of individual as well as collective affairs. A finer focus on Pakistani culture portrays the picture of a society practicing the social norm of "might is right."

This chapter examines the ethics laws and infrastructure of Pakistan, discussing various and laws and institutions. Despite these, enforcement is weak at all levels, including among political officials, and corruption is rampant. We note some common sources of corruption. This chapter also provides an in-depth examination of several important cases of corruption in Pakistan.

The working definition used by the World Bank, Transparency International, and others is that corruption is "the abuse of public power for private benefit or profit." Another widely used description is that corruption is a transaction between private and public sector actors through which collective goods are illegitimately converted into private, regarding payoffs. In the context of Pakistan, corruption is the misuse of entrusted power for private gains. Corruption is rampant and is increasing in Pakistan, and a recent report by Transparency International shows that Pakistan's ranking as a corrupt country jumped from 42 in 2009 to 34 in 2010 out of 178 countries. In fact, since its inception, corruption has been a fact of life. While Quaid-e-Azam Muhammad Ali Jinah, the founder and first governor general of Pakistan, emphatically denounced corruption, politico-bureaucratic and military governing stakeholders have thoroughly disowned any such vision of a corruption-free system of governance. Many governments in general, especially those of the 1990s, have become victims of widespread corruption and corrupt practices.

It should also be noted that Islam, the state religion of Pakistan, professes high regard for virtue and ethics and strongly condemns corruption in all its forms. Islam offers a complete code of life replete with moral standards, values, and norms of behavior that may facilitate Muslims to run the daily affairs of personal, professional, and business life in a disciplined and pious manner. Islam condemns corruption in its all forms–bribery, embezzlement, fraud, extortion, and favoritism. Nonetheless, its influence on corruption is minimal. In Pakistan, there seems to be cognitive dissonance as people at large profess Islamic ethical codes of conduct but practice corrupt unethical ways to achieve their ends in everyday life by calling it "worldly wisdom." Corruption is deeply engrained in Pakistani society, and acceptance of corruption and abuse of authority by government officials from top to bottom has become the order of the day as an unobjectionable way of life. Corruption is spread in public at large, irrespective of rich or poor segments of society, and corrupt bureaucrats may be admired by their colleagues for having acquired worldly wisdom, success, and prosperity.

## 21.2 Institutional Context in Pakistan

### *21.2.1 Legal Basis of Civil Service*

The Civil Service Act of 1973, the Civil Service Rules of 1973, and the Government Servants Rules of 1973, along with several amendments, form the legal basis of the civil service of Pakistan. According to Article 240, all provincial civil service posts are determined by acts passed by the four federal units, which regulate the appointment and terms of service of provincial civil servants and which are essentially replicas of the Federal Civil Servants Act of 1973. A number of other legal instruments also regulate the functioning of the civil bureaucracy, within the rubric of these federal and provincial acts. The Civil Establishment Code (ESTACODE), a vast compendium of laws, operating procedures, and rules and regulations, governs every aspect of civil service.

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Of particular importance are rules pertaining to government servants, conduct (Rules 1964) and efficiency and discipline (Rules 1973).

Article 212 of the Constitution mandates the creation of special administrative bodies known as service tribunals to exercise exclusive jurisdiction over issues relating to the terms and conditions of service of civil servants, including disciplinary matters. The federal services tribunal consists of a chairman and no fewer than three members. It hears appeals made by a civil servant against any order by a departmental authority regarding his or her terms and condition of service. Upon such an appeal, the tribunal may confirm, set aside, or modify the order. Each of the four provinces has a similarly constituted provincial services tribunal, with equivalent functions. Thus, while the federal services tribunal adjudicates cases of alleged injustice by departmental authorities against civil servants, the office of the federal ombudsman investigates complaints by citizens against governmental agencies. Each of the four provinces also has a provincial ombudsman to hear complaints against provincial government agencies.

### *21.2.2 National Accountability Bureau*

According to the country profile of the Islamic Republic of Pakistan published by the United Nations (February 2004), the most prominent ethical-law-enforcing agency is the National Accountability Bureau (NAB), established by the president in 1999. Its authorizing ordinance gives the state extensive powers to investigate alleged corrupt behavior both by holders of public office and members of the public. Most significantly, it allows for the presumption of guilt "where there are reasonable grounds to believe that the assets of a person or any part there of were acquired through corruption or corrupt practices, and there was no other likely source of acquiring such assets or part there of, it shall be presumed, unless proved to the contrary by the accused person, that such assets or part thereof were acquired, generated or obtained through corruption and corrupt practices (Article 20(c))." Initially this entailed detention of 3 months without trial, but this provoked some public concern and capital flight, and the policy was moderated. In July 2000, the government announced that it would reconcile its accountability drive with a pressing need to generate revenue and avoid alarming the business community.

The law comprehensively covers the spectrum of corruption and corrupt practices, including aspects of money laundering. The willful default of banks and government dues has been included as a criminal act under this ordinance. The responsibility for investigation rests with the Accountability Bureau, whereas the judicial process is fully controlled by the independent judiciary. The accused is entitled to appellate rights up to the highest appellate forum, that is, the Supreme Court.

The NAB has been established at Islamabad, whereas the bureau's regional offices are spread over each province. The bureau is provided with sufficient means of collecting information, conducting investigations, and prosecuting cases. The cases are filed in designated accountability courts equal to the status of high courts working under the Chief Justice of Pakistan. The present accountability drive aims at deterring corruption in the country by prosecuting high-profile cases of corruption in every segment of society.

While NAB appears to have made a significant impact on the problem of "grand" corruption, there is some evidence that the general public is not yet convinced of its effectiveness, particularly with regard to low-level corruption. There are still many complaints, especially from small and medium enterprises (SMEs), about the low-level bureaucracy, particularly in the Federal Bureau of Revenue (FBR) and also the labor ministry and the police, engaging in harassment and seeking to extract bribes. The people convicted by accountability courts include a former prime minister,

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five former chief ministers of Sindh and the Punjab and NWFP (Khyber Pukhtunkhawa), former federal ministers, provincial ministers, and a former antiterrorist court judge. The NAB has been criticized for being soft on military transgressors, although it has imposed fines and stripped some transgressors of their military ranks and pension.

### *21.2.3 Ombudsman*

Another institutional instrument of enforcing ethical conduct in the public service of Pakistan is known as the ombudsman. Article 276 of the interim Constitution of 1972 provided for the appointment of a federal ombudsman as well as provincial ombudsman for the first time. Subsequently, the Constitution of 1973 included the federal ombudsmen at item 13 of the Federal Legislative List in the Fourth Schedule. However, the institution of ombudsman was first brought into being through the establishment of the office of Wafaqi Mohtasib (Ombudsman Order 1983). The Ombudsman Order was amended by an ordinance in 2002.

The Wafaqi Mohtasib, who is appointed by the President of Pakistan, holds the office for 4 years. He is not eligible for any extension of tenure or for reappointment under any circumstances. He is assured of security of tenure and cannot be removed from office except on grounds of misconduct or of physical or mental incapacity. Even these facts, at his request, can be determined by the Supreme Judicial Council. This office is nonpartisan and nonpolitical. The chief objective of the Wafaqi Mohtasib is to diagnose, investigate, redress, and rectify any injustice done to a person through maladministration on the part of a federal agency or federal government official. The primary objective of the office is to institutionalize a system for enforcing administrative accountability.

The Mohtasib has the same power as a civil court under the civil procedure code for summoning and enforcing the attendance of any person, compelling production of documents, and receiving evidence on affidavits. He also has powers identical to that of the Supreme Court of Pakistan to punish any person for contempt.

It should be noted that in addition to the above, other agencies assigned with responsibilities for the regulatory enforcement of ethics in Pakistan are the Federal Investigation Agency (FIA) and the Public Accounts Committee (PAC). The FIA is a law-enforcement agency that deals with such matters as human smuggling, money laundering, counterterrorism, and organized crime, and maintains a national criminal database. In addition, it investigates cases involving criminal acts of embezzlement, misappropriation, impersonation, forgery, and so on. Recommendations have been made in the past to merge FIA's anticorruption wing with the NAB. The Public Accounts Committee is a parliamentary body that provides accountability and transparency in the financial matters of the government. It examines the finances of agencies, and as such deals with matters of theft, misappropriation, and so on. It also considers reports of the auditor general.

## 21.3 Bureaucratic Corruption and Problems of Regulatory Enforcement in Pakistan

In Pakistan, corruption is perceived as widespread and systemic. It is deeply ingrained in society and in government at all levels. Bureaucratic corruption takes place in public administration at the implementation end of public policies. At this end, citizens experience corruption daily in their dealing with public administrators, and services, like, education, health, licensing authorities,

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police, customs, taxing authorities, and many other government agencies. Bureaucratic corruption in Pakistan is frequently referred to as routine or "petty."

Bureaucratic corruption flourishes in Pakistan due to high dependence on political executives and top-level officials of civil service, weak professionalization of the bureaucracy, lack of administrative accountability, limited transparency and deficient mechanism of auditing, a large domain of discretionary powers, and too much regulatory authority granted to government officials with political patronage, providing a very conducive environment for bureaucratic corruption to achieve self-serving benefits rather than promoting the public interest. An example of bureaucratic corruption can be envisaged in giving out government contracts, which are awarded supposedly on the basis of open tenders and ostensibly through clear process, but provides sufficient room for making money by foul means because of lack of transparency in the performance of officials at all levels of bureaucratic hierarchy.

Beyond this, low salaries, poor pension benefits, and inadequate welfare programs for civil servants have also encouraged corruption. Another major cause of bureaucratic corruption is the factor of deterioration in both internal and external accountability mechanisms in every sphere of governmental activity in Pakistan. Some of the other sources of bureaucratic corruption are weak regulatory mechanisms, unchecked discretionary powers, obsolete standard operating procedures, failure to revise the rules, and lack of easily accessible information on service delivery.

Regulatory enforcement of ethics is either highly politicized or bureaucratically dominated under the military regime. Quite often, cases involve former or present political leaders. Asif Ali Zardari, President of Pakistan, who is also co-chairman of the Pakistan Peoples' Party (PPP), has been given the dubious distinction by local and foreign media as one of the most corrupt heads of the state in the world, and he is sought by the Supreme Court of Pakistan in many cases of corruption within the country and multiple money laundering cases of millions of US dollars in Swiss banks. Yousaf Raza Gilani, now former prime minister, was compelled to resign after being disqualified by the Supreme Court of Pakistan on charges of contempt of court on the NRO (National Reconciliation Ordinance) judgment implementation case. Raja Pervaiz Ashraf, the present prime minister, now faces the dilemma of either requesting Swiss authorities to reopen graft cases in which Asif Ali Zardari is an accused or, by failing to do so, follow in the footsteps of his predecessor Yousaf Raza Gilani, under the dominant hold of President Asif Ali Zardari. It appears that Prime Minister Raja Ashraf will leave no stone unturned to safeguard the interest of his mentor and benefactor by any means (fair or foul) available to him. Such high-level examples do little to inspire trust. It is a known fact that the ethical posture assumed by the head of the state sets the moral standards for the citizens as a model, and in this way leaders reinforce and legitimate unethical conduct in society at large.

Thus, the present situation and future perception is giving the indication that regulatory enforcement of ethics in Pakistan will continue to follow a declining trend, as the political and bureaucratic elites who have to play the role of an umpire (in the game of good governance, to ensure that ethical conduct is not only professed but also practiced by the rank and file of each organizational unit of the government) have abandoned the principle of neutral umpiring while performing regulatory activities. To turn the tide of corruption, it is necessary to create an ethical climate that ensures transparent performance and merit-based evaluation, but this is often absent. There is a silver lining in a dark cloud, as judiciary and media are making forceful efforts to eradicate corruption from the politico-bureaucratic setup of the country.

There is a growing global consensus that a strong government ethics program can make a significant contribution to political, economic, and social development. There is also a growing recognition that a democratic society and a well-functioning free market economy do better when

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the government is able to deal effectively with corruption and misconduct of public officials. Although it has been realized that corruption is the greatest threat to the survival of Pakistan, the ethical measures to combat it are confined to sermons on moral values delivered at all training organizations of the government as well as the private sector. The prevailing state of ethics training and enforcement in Pakistan is dismal. Ethics training is given low priority in the content of the courses offered by the training institutions in Pakistan, as it is taken for granted that people have the knowledge of ethical values, owing to the fact that they are already sermonized by religious preachers in the Islamic code of conduct. This presumption has not been proved valid, as employees of the government from top to bottom readily adopt unethical practices that lead to outright corruption. Since a sermon is not converted into service, the end result is poor performance of the state in meeting the present needs of the people and in achieving the future objectives of sustainable development.*

## 21.4 Some High-Profile Cases of Corruption

### *21.4.1 Chemical Quota Case*

Ephedrine, a chemical used to manufacture pain relievers, was imported beyond the allocated quota for Pakistan. It was sold at exorbitantly high prices in local and foreign markets (Iran), enabling two pharmaceutical companies and their highly influential agents within the political and bureaucratic elite to rake in profit worth billions of rupees. Makhdoom Shahabuddin, the minister for textiles; Ali Musa Gilani, son of former prime minister Yousaf Raza Gilani; and Khushnood Akhtar Lashari, principal secretary to the prime minister, were behind the illegal allocation of 9,000 kg of ephedrine to two pharmaceutical companies, Berlex and Danas. Khushnood Lashari, as health secretary, violated rules and procedures, which resulted in illegal allocation of the ephedrine quota. This high-profile scam was also duly supported by drug controller Sheikh Ansar, who became an accomplice of Makhdoom Shahabuddin, Musa Gilani, and Khushnood Lashari, major beneficiaries of this illegal windfall. The case is contested in the Lahore High Court.

### *21.4.2 Mehran Bank Scandal (1990s)*

This scandal is an example of the failure of corporate governance in the context of the misuse of public money by influential people with political intentions. It is commonly known as Mehran Gate, the worst financial scam to rock the financial pillars of the country in the 1990s. Mehran Bank was incorporated with a lot of fanfare in Pakistan on October 31, 1991, as a public limited company. Its shares were quoted in the Karachi and Lahore stock exchanges. The bank began its formal operation on January 22, 1992, and operated as a schedule bank, as defined by Banking Companies Ordinance 1962. Mehran Bank had a paid up capital of Rs. 300 million ($10 million), assets of Rs. 2.9 billion, and stock market capitalization of Rs. 500 million. It had six branches all over Pakistan, located in Karachi, Lahore, Mirpurkhas, Peshawar, Quetta,

* Ethics training is given low priority courses offered by the training institutions in Pakistan such as the National School of Public Policy (NSPP), National Institutes of Management (NIM), Civil Services Academy, Local Government and Rural Development Training Institute, etc. While in theory ethics training can enhance the capacity of government employees to run an open governance system and enforce the principles of transparency and accountability within government administration, many conditions for training effectiveness are lacking, such as the prioritization of ethics by managers, significant likelihood of punishment of unethical acts, etc.

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and Rawalpindi. Mr. Yunas Habib was the founder and chief operating officer (COO) of the bank. Since its inception, Mehran Bank had raised doubts, and it was known as "a good idea but poor execution." Yunas Habib started his career in banking at Habib Bank but was thrown out for financial bungling. The State Bank of Pakistan was reluctant to grant him permission to establish Mehran Bank. But he succeeded in establishing it using the political clout of Jam Sidiq, the chief minister of Sindh, who received a hefty sum of Rs. 150 million from Younas Habib. Habib siphoned off a staggering amount of Rs. 5 billion and doled out millions of rupees to politicians to cover up his crimes, such as the 148.5 million dollars bearer certificates (DBCs) fraud case and the fraud of advancing Rs. 300 crore in loans against hundreds of fake accounts (Benami) as senior vice president (SVP) of Habib Bank Ltd (HBL). Over Rs. 130 crore belonging to various federal, provincial, and Azad Kashmir bodies of government were struck up when it collapsed in 1995 and was merged with the National Bank of Pakistan. On December 14, 1995, Younus Habib was convicted of embezzlement and fraud by the Special Court of Sindh. He was awarded 10 years' rigorous imprisonment and a fine of Rs. 36.7 million. The case was reopened in 2012, possibly to punish those who were involved in receiving and distributing the money illegally.

### *21.4.3 Pakistan Railways: A Paradigm of Financial Corruption*

Pakistan Railways' network stretches over 8,775 kilometers constituting the backbone of the national transportation system. It plays a pivotal role in the country's economy. Pakistan Railways (PR) has been a great integrating force and serves as the lifeline of the country by catering to its needs for large-scale movement of people and freight. Since independence (1947), PR has been operated and run by the Government of Pakistan. The Railway Ministry of Pakistan manages and controls all internal and external affairs of this mode of transportation. During the British rule of the Indian subcontinent, the railway always earned revenue for the government as it produced a substantial profit as a business venture in the public sector. Tables were turned after independence due to the fact that railways became a liability instead of an asset, thanks to political bandits and executive rogues satiating their hunger for making money through foul means, resulting in huge annual losses to the railways. PR is facing huge losses due to corruption for the last 4 years. During this period, it has accumulated a loss of Rs. 35 billion due to corruption of its political head (Minister of Railways, Haji Ghulam Ahmad Bilour) and other top officials. Pakistan Railways has declared 500 locomotive engines to be in the irreparable category and has now signed a contract for getting engines from a Chinese company on lease, and for purchasing locomotives from another blacklisted Chinese company.

The annual report of the auditor general of Pakistan showed that PR lost Rs. 5.6 billion in 2010 citing widespread misuse of public funds. Corruption in railways has crossed all legal and ethical limits. The National Assembly's Standing Committee on Railways forwarded a case recently to the Federal Investigation Agency (FIA) to investigate the accusation that the PR sold scrap at lower prices, causing losses to the public exchequer that run into millions of rupees. Also spare parts were purchased under a dubious contract with the Chinese company Dalian at a stupendous cost of $15.2 million. The reason for this exorbitant price was that spare parts were purchased at a rate that was two to five times higher than the market price to cover the under-the-table commission to be provided to the railway minister and all other high-ranking officials.

The most publicized notorious story of PR is the multimillion rupee scrap scandal. Railways Minister, Haji G.A. Bilour, has been named as an accused in a multibillion-rupees scrap scandal, currently being investigated by the Punjab Chapter of NAB. On the orders of the Supreme Court, the NAB initiated investigation into the alleged disposal, in clear violation of prescribed

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rules, of 39,000 metric tons of railway scrap valued at more than Rs. 300 million. The bare facts of the case indicate that the chief controller of stores, in connivance with contractors, allegedly floated "bulk" tenders for the sale of scrap for the first time in the history of PR, to restrict competition and keep prospective bidders away. Tenders were awarded to the contractors, some of whom were very close to the railways minister as well as the top brass of the railways, on cheaper rates as compared to the open market, allegedly for the purpose of personal financial gain. Investigation revealed that the alleged sale of the scrap, in gross violation of Public Procumbent Regulatory Authority (PPRA) and departmental rules, had been made at a throwaway price for embezzlement through misuse of authority causing huge loss to the national exchequer. PR's former general manager (operations) has admitted that the maintenance contract worth $15.2 million has failed to produce the desired results. One of the accused, Sami-ul-Haq Khilji, the then railway secretary, left the country immediately after the scandal was uncovered. The former chief controller of stores during the investigation revealed that Haji G.A. Bilour, Sami-ul-Haq Khilji, and Saeed Akhtar (general manager operations of PR) had received Rs. 150 million in the scam. However, NAB authorities are reluctant to arrest any of the influential accused, including the sitting railways minister, the former secretary, and the in-service railways general manager.

### *21.4.4 Fake Degree Scandal*

In Pakistan, there has been a rise in the number of political scandals, financial scams, and corporate frauds of complex nature in recent years. The fake degree scandal is one of them. It is a well-known fact that many members of the national assembly (MNA) and members of the provincial assembly (MPA) of Pakistan procure fake degrees to qualify for contesting elections. A tragic phenomenon prevails in Pakistan where many highly educated degree holders are getting frustrated due to unemployment, whereas semiliterate people having ill-gotten money are ruling the country as political leaders.

The controversy of fake degrees appeared in a 2002 law introduced by the former military dictator Pervez Musharraf that required the candidate for membership of national and provincial assembles to hold a bachelor's degree or equivalent educational qualifications. Many of the fake degrees have been obtained from Islamic seminaries, and these degrees were declared equivalent to a bachelor's degree in Pakistan under the regime of another military dictator, President Zia-ul-Haq. President Asif Ali Zardari waived the BA degree requirement ahead of the 2008 polls. However, the Supreme Court ruled that the credentials of those elected in the last round at the ballot box must be checked. In June 2010, the Supreme Court ordered the Higher Education Commission (HEC) to vet the credentials of all 1,170 federal and provincial lawmakers, after more than a dozen MPAs were found to have faked their educational qualifications. After this order, hardly a day went by without news about some lawmaker or another who had submitted a fake degree to the election commission. The fallout produced some eyebrow-raising statements, none more shocking than the unapologetic utterances of Baluchistan's chief minister, Nawab Aslam Raisani, who said, "A degree is a degree, whether fake or genuine. It makes no difference." Besides, legislators sought legal means to muzzle the media and referred it to an unholy alliance between the generals, judges and journalists to malign the politicians. They also demanded that the degrees of generals, judges, and journalists be verified as well. The list of offenders includes people whose degrees were declared fake by a court of law, the HEC, or the institution responsible for issuing their degrees. Breakdown of offenders by major political parties were PML (N) 29, PPP 26, PML (Q) 19, and independent 19. The percentages of fake degree-holders with respect to national and provincial assembles were MNA, 12%; MPA (Bauchistan), 22%; MPA (KP), 8%, MPA (Punjab), 13%, and MPA (Sindh), 7%.

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A prominent case of fake degree scandal pertains to Zaheer-ud-Din Babar Awan, the former federal minister for Law, Justice and Parliamentary Affairs of Pakistan. He is the current vice president of the Pakistan People's Party (PPP). He is also a senator in Pakistan's upper house of Parliament, a practicing lawyer, and a member of the PPP's Central Executive Committee. Awan won the senate election in 2006 unopposed and was reelected on March 2, 2012. In 2008, Awan was accused of holding a fake PhD degree issued by Monticello University, a diploma mill in the United States, which was shut down in 2000. Long before the dispute over fake degrees became a political issue in Pakistan, the First Circuit Court of Hawaii declared that the University of Monticello was an unrecognized and nonchartered university. The court banned Monticello University from "representing, directly or by implication that they offer real learning, real achievement, real recognition, real accreditation, real degrees and real value."

## 21.5 Conclusion

The trust and confidence of the people in political executives and bureaucratic officials as custodians of public interest has reached an all-time low that the writ of the state is brazenly ambushed by the forces of dogmatic defiance and organized terrorism to cause disarray in the established system of law and order. Events are casting their shadows as the successful attempts of terrorists on a daily basis are creating chaotic conditions for trade, commerce, and industry, and this is preparing the ground for economic collapse, if remedial measures are not taken by the PPP-led government before the 2013 elections. In the present scenario, it is evident that the first priority of the government is to secure political mileage at any cost, even though the economic crisis may surpass the danger point. At the moment, the function of enforcement of ethical standards of conduct is given the lowest priority by the regulatory enforcement agencies, as corruption has become the order of the day.

Militant forces under the banner of radical Islam are threatening to destroy the ethical values of the existing liberal sociopolitical system as the sectarian-based multitude of illiterate and semiliterate people of poor and lower middle class, mainly living in rural areas, are participating in a violent contest of power to protect and propagate the interests of their sects. From a global perspective, Pakistan presents a picture of an ethically degenerated state that can be identified as an almost failed state or a soft state surviving on the courtesy of International Monetary agencies, mainly the International Monetary Fund, World Bank, and Asian Development Bank. To achieve the objective of developing an ethically sound system of governance, it is absolutely essential to promote an ethical climate in public service. Pakistan is no exception to the principle that ethics is a driving force that causes people to follow moral conduct in life.

## Suggested Readings

Briabanti, R. (1980). *Evolution of Pakistan's Administrative System*. Islamabad: Pakistan Public Administration Research Center (Civil Service Academy).

Cohen, S. (2002). The nation and state of Pakistan. *Washington Quarterly 25*(3), 109–122.

Government of Pakistan. (2000). *National Anti-Corruption Strategy*. Islamabad: Author. http://info.worldbank.org/etools/ANTIC/docs/Resources/Country%20Profiles/Pakistan/NAC_NationalStrategy_Pakistan.pdf.

International Crisis Group. (2010). Asia Report No.185: Reforming Pakistan's civil service. http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/185-reforming-pakistans-civil-service.aspx.

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Islam, N. (2001). Democracy and governance in Pakistan's fragmented society. *International Journal of Public Administration 24*(12), 1335–1355.

Islam, N. (2004). Sifarish, sycophants, power and collectivism: Administrative culture in Pakistan. *International Review of Administrative Sciences 70*(2), 311–330.

Jabeen, N., & Jadoon, Z. (2008). Good governance in South Asia: Constraints and possibilities. *Pakistan Management Review XLV*(2), 21–34.

Jafri, A. (1990). *Imperialism Underdevelopment and Integration: A Global Strategy for Survival*. Lahore: South Asian Studies Centre Punjab University.

Jafri, A. (1996). *The Challenge of Cultural Crisis to Public Administration in Pakistan*. Brussels: International Institute of Administrative Sciences.

Jafri, A., & Jadoon, Z. (1982). Bureaucratic structure. A theoretical analysis with reference to Pakistan. *Pakistan Management Review 19*(1), 10–25.

Jones, G. (1997). Pakistan: A civil service in an obsolescing imperial tradition. *Asian Journal of Public Administration 19*(2), 321–364.

Malik, I. (1996). The state and civil society in Pakistan. *Asian Survey XXXVI*(7), 673–690.

NAB (National Accountability Bureau). (2000). *Strategy for Combating Corruption in Pakistan* 2000. Islamabad: Author.

United Nations. (2004). *Islamic Republic of Pakistan. Public Administration: Country Profile*. New York: Division for Public Administration and Development Management (DPADM).

World Bank. (2002). *Pakistan Development Policy Review*. Washington, DC: Author.

Ziring, L. (1980). *Pakistan: The Enigma of Political Development*. Denver, CO: Westview Press.

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# *Chapter 22*

# Administrative Reforms in Pakistan

Muhammad Zafar Iqbal Jadoon and Nasira Jabeen

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## 22.1 Introduction

Administrative reform is a global phenomenon in the wake of changing roles of the state and government in society. In recent years, Pakistan has undertaken a flurry of administrative reform activity, covering a broad range of issues. While it is too soon to tell how successful these administrative reforms will be, they do illustrate and highlight many current and deeply entrenched concerns, such as inefficiency, corruption, insufficient bureaucratic responsiveness, accountability to political institutions, and a need for devolution. In addition, these administrative reforms also provide evidence of the impact of modern development theories in administration. Yet whether



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and to what extent these administrative reforms can actually be implemented and would take effect are key questions that are often unsettled.

This short chapter provides an overview and initial analysis of reform efforts in Pakistan between 2000 and 2012. The first part examines the breadth of these efforts and puts these in historic context. We also provide some evidence of actual efforts to date. The second part provides a broader analysis of reform efforts in Pakistan. By way of context, three distinct models of public administration and management underlie public sector reforms around the globe, including Pakistan. First, development administration (Gant 2006) as a model for public sector reform in developing countries is a mirror image of bureaucratic model of public administration or so-called traditional public administration. Bureaucracy under development administration was viewed as an instrument of development state with a Weberian bureaucratic structure and professionally competent and neutral civil service grounded in the concept of politics–administration dichotomy. Euro-American traditions and experiences with managing the Great Depression and postwar European reconstruction underlie this model. The main thrust of administrative reform under development administration model is to increase and ensure the capacity of state bureaucracy to plan and execute development projects and to use foreign aid efficiently and effectively. The development of comprehensive five-year plans in Pakistan until 1993 is one of the examples of this approach in action.

This model was a paradigm of public administration for developing countries from 1950 to 1970, including Pakistan, but by early 1970s, it was being questioned, as the development paradigm failed to deliver. Despite three decades of development, developing countries faced interlocking problems of absolute poverty, economic gains not trickling down, urban crisis, institutional crisis, and many social ills. By the early 1980s, cracks in development administration were evident and industrialized nations started cutting down on foreign aid expenditures, as well.

Second, by the 1980s, development administration was replaced with a new paradigm of development management (Brinkerhoff 1999), a mirror reflection of new public management that was developed and found favor in developed countries. In this approach, public management was to be conducted under a neo-liberal model of economic development that prioritizes privatization, smaller government, reduced public expenditure, export orientation, and openness to private foreign investment. Reducing the size and scope of government, and using market-oriented approaches, were also seen by international financial institutions and donors as cures for overcoming problems of corruption and inefficiency in the public sector. The structural adjustment program (SAP) of the International Monetary Fund (IMF), supported by the World Bank, promoted this new paradigm of public management in heavily indebted countries, including Pakistan (McCourt 2008). While these programs sometimes increased economic development in Pakistan, poverty, food security, and social development stagnated or declined.

Third, by the late 1990s, good governance emerged as a central theme in development, focusing on ethics, accountability, and effective leadership. Despite various interpretations of good governance, it is now universally recognized that quality of governance matters in development. World leaders at the 2005 United Nations World Summit declared that good governance and the rule of law at the national and international level are essential for sustained economic growth, sustainable development, and the eradication of poverty and hunger (UNDP 2005). Beyond this, the notion of governance has broadly entered mainstream public policy and administration, as reflected in the phrases or models of new governance (Rhodes 1996), responsive governance (UN 2005), democratic governance (Bowornwathana 2006), new public governance

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(Osborne 2010), network governance (Goldsmith and Eggers 2004), and joined-up governance (Bogdanor 2005). From practical and theoretical discourse is emerging a new, synthesized theory of "development governance" as a new paradigm of public administration and development with the following themes:

1. Government is one of the players in the governance process, along with private sector and civil society.
2. The basic objective of governance is to serve people without discrimination and to be responsive to them.
3. Accountability, transparency, and participation are the key attributes of governance process at all levels of governance.
4. Efficiency, equity, economy, and quality are the values to be achieved through diverse institutional arrangements for provision of public services.
5. Less reliance on authority and more use of incentives in managing public affairs.

Development governance includes elements of traditional administration and new public management, as well as some new aspects, such as those relating to joint governance. While Pakistan has a long road to travel before realizing some of these themes in practice, development governance is based on several assumptions that are surely present in Pakistan. It is clear that neither state-led development nor market-led development is the answer to complex issues faced by the developing countries. It is also clearly agreed that quality of governance matters in achieving the twin goals of economic growth and poverty reduction, and that development, if it is to be successful, should be a shared enterprise of government, civil society, and private sector. However, creating such shared power and synergy poses formidable practical challenge in many developing countries, including Pakistan, where corruption, distrust, entrenched self-interest, insufficient capacity, and shared vision are common. Such reforms will surely require a good deal of pragmatism and sensitivity to the context if they are to be successful, as was also the case for development administration and development management (McCourt 2001).

Pakistan's recent experiences in administrative reform include aspects of each of these three development theories. Some reforms claim to target the level of professionalism and rectitude of the civil service in its dealings with political institutions and the public. Others aim to reduce the role of government or to increase the use of consensus-building measures and participation by nonprofit organizations and local government.

## 22.2 Historic Context of the Current Administrative Reform

Soon after independence on August 14, 1947, administrative reform emerged as a central theme in development discourse in Pakistan like in any other postcolonial state. It was realized that the colonial administrative system inherited from British India needed major structural reform to transform its bureaucracy to play its role in development alongside law and order and revenue collection, for which it was originally designed. This concern is as alive today as it was 65 years ago when Pakistan started its journey as an independent postcolonial state. However, reform talks, actions, and results varied during post-independence administrative history of Pakistan, reflecting the evolution of development theories and Pakistani state and the effect of well-entrenched colonial administrative traditions. Thus, the history of administrative reform in Pakistan can be well understood through the evolution of normative approaches to public sector reform. As illustrated

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in the introduction of this chapter, three reform models have evolved after World War II, which have guided administrative reform in developing countries, including Pakistan. Each model has provided different vocabulary, intents, and contents of reform efforts during different periods.

First, from August 14, 1947, to July 1977, development administration model guided the reform efforts, whether in the form of talks, reports, or actions. From 1947 to 1972, before Zulfiqar Ali Bhutto's regime, several reports were prepared by various reform commissions set by the Government of Pakistan. The main thrust of these reports continued to be civil service reforms. However, none of the recommendations of these reforms calling for structural change were implemented, except some procedural changes, establishment of training institutions, and creation of special purpose autonomous and semiautonomous bodies, including state enterprises. However, in 1973, sweeping civil service reforms were carried out by the Bhutto government. This was the very first effort toward structural change in the bureaucracy. Under these reforms, all services, including Civil Service of Pakistan (CSP), were organized into occupational groups, and common training was introduced. The constitutional guarantee for security of civil servant was withdrawn. Lateral entry to the civil service was also introduced. Before the reforms, 1,300 civil servants were dismissed from the service on the charges of corruption and inefficiency. The intent of these reforms was to weaken the bureaucracy, particularly the CSPs. This led to politicization of bureaucracy, the process that was further intensified in later years both under elected and military regimes.

Second, development management, a mirror image of new public management, primarily provided a normative framework for administrative reform from 1977 until the late 1990s. During this period, the country experienced its longest military rule under General Zia-ul-Haq and the two civilian governments of Benazir Bhutto and Nawaz Sharif. During this period, a process of denationalization was started and was later turned into an ambitious program of privatization of state-owned enterprises. Pakistan joined the IMF's SAP in 1981 and also became one of the major recipients of World Bank loans. The public sector reforms guided by the development management model that was started in the 1980s under the SAP of the IMF continued despite political upheavals and instability in Islamabad. The reform mostly focused on privatization and reduction of the size of government, and less attention was paid to improvement in public sector management, including state-owned enterprises. Under the SAP, a framework for civil service was provided, but it also met with little success.

Third, the development governance model branded as good governance in developing countries, including Pakistan, underlies administrative reforms initiative undertaken from 1999 to 2012. General Pervez Musharraf ruled the country for more than 7 years after overthrowing the elected government of Nawaz Sharif on September 12, 1999, until he resigned in 2008, which gave way to an elected government of Pakistan People's Party with Asif Zardari as president and Yousaf Raza Gilani as prime minister. During Musharraf's regime, a number of initiatives were undertaken to promote good governance, which has often been the case in military or military-controlled civilian regimes in Pakistan, to give them legitimacy. For example, all three major military rulers, General Ayoub, General Zia, and General Musharraf, promoted local democracy but strengthened their control at the center. Following this trend, General Musharraf introduced a new local government system under his devolution plan that altered the structure of district government. While Musharraf's regime carried out political devolution by creating a third tier of government under his devolution plan, the elected government of President Zardari and Prime Minister Gilani carried out administrative devolution under the 18th constitutional amendment and devolved 18 federal ministries to provincial governments. During this period, a number of other reform initiatives were also undertaken, including agencification, under which regulatory and service delivery agencies were created out of their respective ministries.

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## 22.3 Institutional and Policy Context of Reforms

The power structure in Pakistan is imbalanced and is tilted more toward military and civil bureaucracy vis-à-vis political institutions. This imbalanced power structure is a legacy of the colonial and pre-independence periods, further intensified in the post-independence period. In the 65 years of Pakistan, most of the time, the military has ruled the country directly or indirectly, supported by the civil bureaucracy. Military–civil bureaucratic oligarchy and nascent democratic institutions operating in a hierarchical and predominantly feudal society have given rise to a bureaucratic-authoritarian state in Pakistan. Consequently, both military and elected governments act in an authoritarian manner, contrary to democratic as well as Weberian norms of professional bureaucratic behavior. The formal institutions of governance interacting within sociocultural context have produced a political and administrative culture of inefficiency and corruption with built-in preference for persons over institutions (Islam 2004).

The reason for continuity in reform is the same policy context that is the legacy of the IMF's SAP in Pakistan initiated in 1980/1981, which was backed by the World Bank. Liberalization, deregulation, and privatization are the three basic principles of economic policy, which has been intact since 1980s, despite political instability and frequent changes in government, especially during the period between the end of rule of General Zia-ul-Haq in 1988 and the beginning of rule of General Pervez Musharraf. While the policy of liberalization, deregulation, and privatization continues to guide economic reforms of Pakistan, the narrow objective of economic growth has been replaced with pro-poor economic growth as a result of shift in policy of international financial institutions. Hence, economic growth and poverty reduction are twin objectives of the reforms being undertaken within the same policy framework. Attention has also been shifted from pursuing a narrow objective of reducing the size of government to strengthening the institutions of governance aimed at good governance, which is recognized as a necessary condition of economic growth and poverty reduction. This shift is clearly reflected in Poverty Reduction Strategy Papers (PRSP) since 2001, which are being prepared under the auspices of World Bank and IMF.

## 22.4 Administrative Reforms in Pakistan, 2000–2012

Since 2000, Pakistan has embarked on an ambitious reform agenda to improve governance and management in the public sector. Governance improvement is one of the key elements of poverty reduction strategy outlined by the Government of Pakistan since 2001. The governance reform agenda is comprehensive, and it encompasses all core institutions, including civil service and new system of local government, under devolution. Several key reform initiatives stated below have been undertaken, whereas others are under consideration. Institutional reforms in key sectors, such as higher education, power sector, irrigation and water, and health sector, have also been initiated or in some cases accelerated in the last few years. A wide range of institutional and sector reforms relate to public administration and management, which aim to improve governance and productivity. These are as follows:

1. Civil service reform
2. Accountability and transparency
3. Decentralization
4. Financial management
5. Capacity building

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6. Use of market mechanism
7. Organizational restructuring
8. HRM-based interventions
9. Privatization
10. Public participation and citizen engagement

### *22.4.1 Civil Service Reform*

A comprehensive civil service reform agenda, originally drawing on the framework for civil service reform prepared by the World Bank in 1998, has appeared in various policy documents released by the government since 2000, ranging from meritorious recruitment to the creation of national executive service. A competent and responsive civil service is widely recognized as being vital to meeting the twin objectives of economic growth and poverty reduction. A new Civil Service Reform Unit (CSRU) was created in the Establishment Division to oversee and catalyze the implementation of civil service reforms. Progress by Civil Service Reform (CSR) has been rather limited. For example, under the Federal Public Service Commission (Amendment) Ordinance 2000, the role of Federal Public Service Commission (FPSC) has been enhanced in recruitment, promotion, and major disciplinary matters of public servants. The commission after the promulgation of amended ordinance has reduced the maximum age limit for entry into the government service from 38 to 28 years. Under the amended ordinance, the commission has more financial autonomy, and its members have been granted security of tenure.

During the Musharaf regime, a number of other CSR initiatives were also undertaken. The Removal from Service Ordinance 2000, which took away civil service protection built-in civil service law, which was promulgated though the constitutional guarantee, was already withdrawn under the 1973 civil service reforms. It is unclear whether this has increased accountability or the politicization of bureaucracy. The reforms also replaced the annual confidential report with a performance evaluation report, and professional development of civil servants under a project funded by the World Bank. These measures aim at meritorious recruitment and selection, accountability, and training and development of civil servants. In addition, a new National Commission for Government Reform was created with a broadly articulated reform agenda and it has published a report containing comprehensive and ambitious reform agenda, including civil service reforms.*

### *22.4.2 Accountability and Transparency*

Corruption is a multibillion dollar industry, but when it comes to the developing countries, it is a social epidemic and a major constraint to good governance. Corruption is also a consequence of poor governance, hence, creating vicious cycles. Pakistan is ranked among the most corrupt countries, as discussed in other chapters of this volume.† To buffer the administrative system

* The reform agenda of the National Commission for Government Reform (NGR) is quite broad and ambitious. It includes such aims as fostering open and transparent merit-based recruitment at all levels with regional representation; using performance-based promotions and career progression for all public sector employees with compulsory training at postinduction, mid-career, and senior management levels; equal opportunity of career advancement; fostering equality among all cadres and non-cadres of public servants; ensuring living wages and decent retirement benefits; strict observance of security of tenure of office for a specified period of time; and the creation of an All-Pakistan National Executive Service (NEC).

† For example, Pakistan ranks 34th in a global corruption index, 2010. See http://dawn.com/2010/10/26/pakistan-ranks-34th-in-global-corruption-index-ti/.

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from this social epidemic, accountability and transparency have become important elements of governance reform. These are very strongly backed by the international financial institutions, and a number of initiatives have been taken to plug in mechanisms to enhance accountability at institutional, organizational, and individual levels, and to increase transparency in public decision making. These include: (1) creation of National Accountability Bureau (NAB), a separate anti-corruption agency; (2) amendment of civil service laws through promulgation of the Removal from Service (Special Powers) Ordinance 2000; (3) activating the Public Accounts Committee and Parliamentary subcommittees on various ministries; (4) separation of the public accounting and audit functions and establishment of the Office of Controller General of Accounts, in addition to the Office of Auditor General of Pakistan; (5) establishment of Federal Public Procurement Regulatory Authority, to lead the process of installing modern and transparent system of procurement; and (6) promulgation of the freedom of information Act, providing the legal basis for dissipating the opacity of the decision-making process in government.

To what extent these new and existing organizational and legal mechanisms will improve the accountability and transparency of public service depends on how well these new entities will be led and managed, and laws implemented in letter and spirit with impartiality and fairness to all. The NAB is the oldest of these new public organizations and has shown some considerable performance in the last few years. A large number of high government officials, politicians, and businessmen have been sentenced to prison, subjected to heavy fines, and disqualified from holding public office for 21 years on charges of corruption after conviction in the court of law. Major loan and tax defaulters were also investigated, prosecuted, and forced to repay their overdue loans and taxes. The NAB has also formulated the National Anti-Corruption Strategy, which was approved by the Federal Cabinet and President Musharraf. While NAB is making progress toward institutionalizing the anti-corruption system, it cannot yet claim that its anti-corruption drive is free from political contingencies. Pakistan remains among the most corrupt countries, but these substantial efforts are surely being noticed.

### *22.4.3 Decentralization*

Devolving power to the lower levels was one of the seven points on the governance reform agenda announced by General Pervez Musharraf after the military takeover on October 12, 1999. The National Reconstruction Bureau (NRB) was given the responsibility to plan and lead the governance and administrative reform. NRB formulated a devolution plan that provided a conceptual and legal framework for new system of local government. Devolution was a major decentralization initiative taken by the Musharraf regime, which has brought dramatic and fundamental changes to the political and administrative system of Pakistan. The official goals of devolution were to increase the number of elected politicians articulating the community goals; increasing the autonomy of district governments in their administration; increasing taxation powers of districts and increasing transfers to them; deconcentration of management functions by increasing staff specialization; and increasing government monitoring by citizens.

Musharraf's devolution plan replaced the district administration as a basic administrative unit of administrative system, with three tiers of local government: district government, tehsil municipal administration, and union administration with elected heads and councils. The local government law promulgated under the devolution plan also provided mechanisms for public accountability and participation by creating citizens community boards and citizens monitoring communities/devolution monitoring committees. In other words, devolution replaced the local government with local governance. The office of the deputy commissioner was replaced

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with district coordination officer who assisted the Zila Nazim* and coordinated the working of executive district officers who head the various administrative departments, such as education and health. The structure of the tehsil municipal administration, the second tier of local government, is similar to that of the district. The lowest tier of local government is the union administration, which was headed by the Union Nazim, who was assisted by the Naib Union Nazim, and a maximum of three union secretaries. The new local government law clearly defined the functions of each tier of local government. Under the law, the relationship between three tiers of local government was not hierarchical; rather, it was geographically and politically integrated. For instance, the Union Nazim was a member of the District Council, and the Union Council Naib Nazim was a member of the Tehsil Council.

The system of local government introduced under Musharraf's devolution plan worked for 10 years under special legislation that required a constitutional amendment to continue after its stipulated time. After a lapse of 10 years, no required amendment in the constitution was made to give continuity to the local government system established under Musharraf's devolution plan. However, the present regime devolved 18 federal ministries under the 18th Amendment in the 1973 Constitution to the provinces. There are many challenges in the successful implementation of the recent devolution. Although it is too soon to judge the success of this initiative, the recent developments are not very encouraging. Recently, four new federal ministries have been created by the prime minister, which was termed unconstitutional by the chairman of the implementation commission constituted specifically for implementation of the 18th constitutional amendment.

### *22.4.4 Organizational Restructuring*

One of the major components of governance and administrative reform in Pakistan during the Musharraf regime was organizational restructuring in the Federal Secretariat; core institutions of governance, including central agencies; and other public organizations in various sectors. Organizational restructuring has been done to improve the quality of regulation and service delivery and to pave the way toward privatization in case of state enterprises in all sectors, including public utilities. To improve the quality of regulation, regulation function has been separated from the policy by setting up autonomous regulatory agencies in various sectors, including banking, finance, aviation, telecommunication, power, oil, and gas. The regulatory agencies are now independent of their respective ministries and enjoy quasi-judicial functions. Each regulatory authority is governed by the board of directors headed by a chairperson. Under the law, the chairperson and board members enjoy security of tenure, and they cannot be arbitrarily removed. In the service sector, a similar model has been adopted. Separate federal agencies have been established; notable among these are National Database and Registration Authority (NADRA), the National Highway Authority, the Motorway Police, and the Higher Education Commission (Jadoon, Jabeen, and Rizwan 2012).

The creation of all the new regulatory authorities and other federal agencies is based on the concept that policy and management are two separate things. The same concept guided organizational restructuring in teaching hospitals and public sector universities under the initiative of hospital autonomy and the University Model Ordinance, respectively. Under the hospital autonomy, the teaching hospitals that were previously under the administrative control of provincial health departments were put under the control of the board of directors, headed by the chairman, to deal

* Nazim is an Urdu word meaning administrator. Zila Nazim refers to a political administrator of a district. Similarly, political administrators of other tiers of local government, tehsil or town, and union councils are called Nazims.

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with policy matters. The position of chief executive who would be responsible for management of the hospital and members of the board of governors/directors was created in each hospital. Similarly, the Higher Education Commission, which was given the responsibility to plan and lead reforms in the higher education sectors in the country, was elected in 2000. The commission initiated the restructuring of the public sector universities with a University Model Ordinance that proposed a similar organizational structure for new and old public sector universities.

The State Bank of Pakistan, Federal Public Service Commission, Central Board of Revenue, and Security Exchange Commission have also undergone organizational restructuring to enhance their autonomy. Safety commissions at the district level are also new organizational mechanisms to improve the functioning of police and involvement and participation of citizens. State-owned enterprises in various sectors, including public utilities, also went through similar organizational restructuring, basically to pave the way for privatization. Water and Power Development Authority (WAPDA) and the Karachi Electricity Corporation, two public utilities in the power sector, restructured through unbundling their distribution function. Twelve distribution companies were created out of these two companies, which are now being privatized. Such privatization-based restructuring also took place or is planned in a number of other state-owned enterprises in various sectors, such as telecommunication, banking, oil, and gas. The organizational structure reform initiated during the Musharraf regime still continues, though the pace of their reforms has slowed down.

### *22.4.5 Financial Management*

The system of planning, budgeting, accounting, and auditing has been subjected to reform in recent years. The five-year plan was discarded after 1998. The Medium Term Budgetary Framework (MTBF) has replaced the five-year plan, which was prepared by the Planning Commission of Pakistan. The Poverty Reduction Strategy Paper prepared in consultation with all the stakeholders, internal as well external, including the World Bank and the IMF, provides an official policy framework for budgeting. The preparation of the PRSP was started with the Interim PRSP in 2001 after the Millennium Summit in 2002, which provided a framework for development and poverty reduction in the form of Millennium Development Goals. The MTBF and PRSP are prepared by the Finance Division. Separate secretariats have been created in the Finance Division in the Ministry of Finance for formulation of these two documents. The Planning Commission still prepares the annual development plans.

On the accounting and auditing side, the accounting and auditing functions have been separated in the Office of Auditor General of Pakistan. Further, a new system of accounting and auditing has been introduced under the Project to Improve Financial Reporting and Auditing (PIFRA) project. The project was started in the late 1990s and is still under progress.

### *22.4.6 Capacity Building*

The drive to improve governance through administrative reform, especially devolution, creates a need for increased capacity at institutional, organizational, and individual levels. Several capacity-building projects were initiated with financial assistance from international financial institutions and donors; major among these was a project funded by the World Bank that involved loan allocation of $50 million for the professional development of civil servants and $50 million for reorganization of federal ministries and divisions. A sizeable number of civil servants received foreign training under this project. Similarly, Asian Development Bank and donors, such as USAID, fund capacity-building projects in provinces.

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Another major capacity-building initiative was the establishment of a National School of Public Policy as a degree-awarding and research institution. This has subsumed major civil service training institutions, notably the Pakistan Administrative Staff College, the Civil Service Academy, and four National Institutes of Public Administration (NIPAs) in the provinces. The curriculum of these training institutions has also been revised, and mandatory training has been introduced for civil servants. While these training institutions continue to perform their traditional functions, the National School of Public Policy is yet to evolve as a teaching and research institution of higher learning.

### *22.4.7 Use of Market Mechanisms*

Several market mechanisms have been employed in the provision of public services, such as user charges in tertiary health care, self-financed and self-supporting programs in public sector universities, public–private partnership in programs of distant learning, public–private partnership in transport and communication, fast-track service offered by the National Database and Registration Authority, and many more public programs that involve user fees. These market mechanisms have come through creation of autonomous public service organizations and granting autonomy through organizational restructuring, such as in the case of teaching hospitals in major cities. The impact of these mechanisms on access is yet to be determined.

### *22.4.8 HRM-Based Interventions*

Motivating public employees for sustained good performance is a major issue, especially in departments that have a closed system of personnel administration, job security, traditional civil service incentives, and lower salaries compared to the private sector. Pay and pensions have been on the civil service reform agenda for the last several years, but this reform has proven to be politically difficult. In the meantime, elements of human resource management (HRM) practices found in the private sector have been introduced even in the government departments and central agencies and in the higher education sector, led by the Higher Education Commission. Contract appointments with competitive salary and performance-based salary packages have been introduced, for example, double salary in the income tax department, and tenure track system with competitive salary packages to faculty in the public sector universities. While these interventions in a government departments and autonomous public sector organizations are very small scale, in some of the agencies, like the State Bank of Pakistan, the Motorway Police, and Security and Exchange Commission, have adopted HRM-type reform across the board. The Central Board of Revenue is also revamping its personnel system on similar lines under tax administration reform.

## 22.5 Analysis and Further Discussion

Pakistan has an active record of public management reform since 2000. Some of the reform initiatives were a continuation of the reform process initiated under the SAP, whereas others were drawn from Musharraf's seven-point reform agenda, which was announced immediately after the military takeover. Starting from the most basic administrative structural reform under the devolution plan, a variety of reform initiatives have been undertaken by the present regime to improve governance and management in the public sector. While it is too early to assess final outcomes of these reforms, some early assessments can be made about implementation and its

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context in Pakistan. We can also examine the content of reforms with reference to the previously mentioned theories of administrative reform in developing countries.

First, while development governance is used as a framework for public management reform, clearly not all of the more recent additions are being much used. By and large, reform actions presented in the previous section show a prominence of New Public Management (NPM) elements, which supports the neo-liberal mode of governance, in terms of alternatives to bureaucracy, downsizing, and paving the way for the private sector. Elements of development administration are present in the form of training and education emphases. Accountability is interpreted only in terms of a mechanism to curb corruption but has not been used in management terms. Agencification has been widely practiced in recent years, but neither autonomy nor performance management exists in real terms in the newly generated public organization.* However, other NPM elements, such as performance indicators and quality management, have not received much attention in these reforms. Devolution includes some key elements of development governance such as citizen participation and empowerment, but, in the given power structure, local democracy is often an empty ritual that enhances the power of the ruling elites rather than articulating the voices of poor and serving them in any real sense. The experience of community citizen boards is just one example in which participation by people has been very low.

Second, the bureaucracy, specifically the top layer of central superior services, is well entrenched and is considered a major force resisting any structural reform that may involve any structural change leading to lowering its status and prestige. This holds true even in the stock of current reform initiatives. The reform initiatives that have already been taken either provide more opportunities to Central Superior Services (CSS) officers in terms of their career growth and influence or affect the other public sector employees. For example, establishing autonomous agencies for regulation and service provision and capacity building for professional development of civil servants further enhances the career opportunities of civil servants in the form of lucrative posts in autonomous public organizations. Structural reforms that limit civil service power are almost always successfully defeated. For example, the reform agenda, which includes equality of all cadres of civil service for upward mobility and creation of National Executive Service (NES) with 20% slots for lateral entry through open competition, is contested by a well-entrenched bureaucracy led by the members of the elite District Management Group, both overtly and covertly.

An interesting exception was the devolution that, in 2001, eliminated the office of the deputy commissioner in the district administration—a colonial legacy and a symbol of bureaucratic power. The implementation of such a basic and radical reform hitting the most powerful and well-entrenched bureaucracy was a paradox. We see three possible explanations for this contradiction: (1) bureaucracy was convinced that devolution with such major restructuring in a hurried manner could not be sustained without the constitutional cover and other administrative prerequisites, such as financial and administrative decentralization; (2) if devolution stays and is implemented in its true spirit, district government will offer more opportunities for officers who occupy the office of the district coordination officer (DCO), and the power and influence of the DCO would be further enhanced if the public services are devolved to the district from the provincial administration; (3) while reform invites resistance, in any fight between the army and the civil service in Pakistan, the army wins. However, if the fight is between civil service and political

* A detailed account of agencification in Pakistan by Muhammad Zafar Iqbal Jadoon, Nasira Jabeen, and Aisha Rizwan is provided in "Government Agencies: Practices and Lessons from 30 Countries" by Koen Verhoest et al. (2012).

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leaders, then the civil service wins. Needless to say, the system of local government under General Musharraf's devolution plan has once again been reverted back under the elected government.

Third, public service reform of all types is a slow and continuous process that requires political will, clear vision, and management for achieving the desired outcomes beside instrumental bureaucracy. In our opinion, the record of public service reform in countries with instrumental bureaucracies, such as the United Kingdom, Australia, and New Zealand, is more impressive than it is in countries with an autonomous bureaucracy, such as France. In Pakistan's political system, bureaucracy is autonomous in its orientation and is not accustomed to political control, which is weak in any event. Any reform initiative that comes as "shock therapy" that is not owned by the bureaucracy is bound either to fail or to get modified and diffused. Therefore, implementation is a major challenge. Reform of the public service under the Bhutto regime in 1973 is a case in point, in which efforts to end its colonial legacy (the CSP) created an artificial fraternity manifested in the word "commoners" as a result of the Civil Service Common Training Program, but the existing culture also created the elite District Management Group (DMG) as a replica of CSP that existed before the reforms. Any effort to reduce the power of DMG is skillfully defeated. The case in point is the system of local government introduced under Musharraf's devolution plan.

Four, a top-down approach characterizes almost all the reform initiatives, which were implemented authoritatively through ordinances issued by the president in the absence of any debate. In these instances, the World Bank acted as a think tank on the request of the Government of Pakistan except in the case of devolution, for which a conceptual framework was already available in the form of various reports by the previous regime. In this context, a well-coordinated institutional framework would appear to be a critical success factor for reform, but this was not present until the establishment of National Commission for Government Reform in 2006. It was headed by the former president of the State Bank of Pakistan who had a good track record of successful implementation of structural and management reforms in the central bank. Before this, the NRB was created outside the mainstream bureaucracy and headed by a retired military general. The NRB started with local government reform, which was hugely controversial, and had the unequivocal support from General Pervez Musharraf, who was the first chief executive and later became the president of Pakistan.

Finally, economic recovery and the bringing in of genuine democracy through devolution provided substantive legitimacy for the General Pervez Musharraf regime, which was legally validated in the Supreme Court of Pakistan. The paradox of local democracy under a military and authoritarian regime and vice versa has been a typical feature of the political system of Pakistan in its post-colonial history since 1947. Both General Ayoub Khan and General Zia-ul-Haq promoted local government institutions under their own brand of local democracy; all popularly elected governments avoided grassroots democracy of any sort. Musharraf kept this tradition alive in the form of devolution, but the current nature and extent of reform is unprecedented in the political history of Pakistan.

## 22.6 Conclusion

Pakistan has undertaken numerous reform efforts since 2000. The results of these reforms are mixed, and many of them are still in progress. In some cases, initiatives taken by one regime are either reversed or discarded by successive governments. Both political devolution and administrative devolution were carried from 2000 to 2012, but responsive governance with effective government at federal, provincial, and local levels is a distant dream. Corruption remains a huge

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problem, but high-profile cases are increasingly exposed. In autonomous agencies, service quality has been improving, but more can be done. Two consistent features of administrative reform are the use of top-down approaches and resistance by senior bureaucrats to changes that affect their power or prestige. Finally, many leading elements of public governance that rely on greater participation by other organizations in society in Pakistan's governance are yet to be applied.

## References

Bogdanor, V. (Ed.). (2005). *Joined-Up Government*. Oxford: Oxford University Press.

Bowornwathana, B. (2006). Transforming bureaucracy for the 21st century: The new democratic governance paradigm. In E.E. Otenyo & N.S. Lind (Eds.), *Comparative Administration: The Essential Readings, Research in Public Policy and Management,* Volume 15. Bingley, UK: Emerald Group Publishing Limited, pp. 667–679.

Brinkerhoff, D., & Coston J. (1999). International development management in a globalized world. *Public Administration Review, 59*, 346–361.

Gant, G. (2006). The concept of development administration. In E.E. Otenyo & N.S. Lind (Eds.), *Comparative Administration: The Essential Readings, Research in Public Policy and Management,* Volume 15. Bingley, UK: Emerald Group Publishing Limited, pp. 257–285.

Goldsmith, S., & Eggers, W.D. (2004). *Governing by Networking*. Washington, DC: Brooking Institution.

Islam, N. (2004). Safarish, sychophants, power and collectivism: Administrative culture in Pakistan. *International Review of Administrative Sciences, 70*(2), 311–330.

Jadoon, M.Z.I., Jabeen, N., & Rizwan, A. (2012). Agencification in different politico-administrative traditions. In K. Verhoest et al. (Eds.), *Government Agencies: Practices and Lessons from 30 Countries*. Basingstoke, UK: Palgrave Macmillan.

McCourt, W. (2001). Moving the public management debate forward: A contingency approach. In W. McCourt & M. Minogue (Eds.), *The Internationalization of Public Management: Reinventing the Third World State*. Cheltenham, UK: Edward Elgar, pp. 220–253.

McCourt, W. (2008). Public management in developing countries. *Public Management Review, 10*(4), 467–475.

Osborne, S. (2010). *The New Public Governance? Emerging Perspectives on the Theory and the Practices of Public Governance*. New York: Routledge.

Rhodes, R.A. (1996). The new public governance: Governing without government. *Political Studies, 44*, 653–667.

UNDP. (2005). *Poverty Reduction and Good Governance*. New York: UNDESA.

United Nations. (2005). The globalization of public sector reform: The changing role of public administration. In *Unlocking the Human Potential for Public Sector Performance*. Blue Ridge Summit, PA: United Nations.

Verhoest, K., van Thiel, S., Bouckaert, G., & Laegreid, P. (Eds). (2012). *Government Agencies: Practices and Lessons from 30 Countries*. Basingstoke, UK: Palgrave Macmillan.

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# *Chapter 23*

# Civil Service System and Reforms in Pakistan

Nasira Jabeen and Muhammad Zafar Iqbal Jadoon

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## 23.1 Introduction

Civil service in Pakistan is considered the backbone of the administrative system that reflects the management and administrative structure of the country. Pakistan emerged as a sovereign and independent state on August 14, 1947, and inherited a rich and organized structure from the British colonial rule. The Civil Service of Pakistan (CSP) has its roots in the Mughal period in the 15th and 16th centuries, but the most eminent and broader framework of civil service was laid with the advent of the British in the subcontinent in the form of East India Company. Initially, there was mercantile rule (1601–1858), followed by the imperial service (1858–1947)



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as the civil service system in India before partition. Major changes were made in the imperial service with the recommendations of Aitchison Commission (1886–1887), and Pakistan inherited the system with slight modifications and named it Civil Service of Pakistan (CSP). The CSP was a replica of the Indian Civil Service (ICS) in India, and it included services that were directly controlled by the Central Government. The Provincial Civil Services were known as PCS, and they included services that came under the direct control of the provinces and that worked within their respective provinces. In line with All-India Services, the All-Pakistan Services, which consisted of the CSP and the Police Service of Pakistan (PSP), was created in Pakistan. Incumbents of these services were supposed to work under the central and provincial governments (Hussain 2003a).

The Civil Servants Act of 1973 in Section 2 (b) clearly defines a civil servant "as a person who is a member of an All Pakistan Service or of a civil service of the Federation or one who holds a civil post in connection with the affairs of the federation, including a post connected with defense; however, it does not include the following:

1. A person who is on deputation to the Federation from any province or other authority
2. A person who is employed on contract or on a work-charged basis, or who is paid from contingencies
3. A person who is a "worker" or "workman" as defined in the Factories Act 1934 or the Workman's Compensation Act 1923 (Civil Servants Act of 1973, pp. 2–3)"

The Administrative Reforms of 1973 introduced drastic changes in the CSP and gave shape to the civil service as it exists today (with minor differences).

Despite the fact that civil service rules and instructions relating to the terms and conditions of civil servants (viz., appointments, probation, training and development, performance and compensation, promotion, tenure, leave and retirement, etc.) are clearly elaborated in various official documents, the actual practices and procedures of civil service, both formal and informal, are different from the prescribed norms and processes. This incongruence between the written rules and the practiced behaviors constrain the performance of the civil service. Pakistan civil service, in its present form, is facing some serious challenges, such as corruption, nepotism, overcentralization, rigidity, lack of transparency, weak control, politicization, and low wages and incentives, which directly or indirectly affect its performance, resulting in an ineffective, inefficient, and unresponsive bureaucracy. The chapter discusses the prescribed rules in view of context and realities of the Pakistan civil service in the subsequent sections.

## 23.2 Federal and Provincial Secretariat System

Pakistan has a large and oversized civil service. According to the International Crisis Group report 2010, Pakistan's civil service employs nearly 2.4 million people for a population of 170 million. It is one of the largest with one civil servant for every 67 citizens, as compared to India, where there is one civil servant for every 110 citizens (International Crisis Group 2010). The National Commission for Government Reforms 2007 in Pakistan reported the number of federal and provincial employees as more than 3.4 million, with the following breakdown:

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| *Federal Level* | |
|---|---|
| Secretariat | 18,023 |
| Attached departments | 251,187 |
| Autonomous organizations | 389,923 |
| Civilian paid out of defense budget | 168,170 |
| Civilian armed forces | 124,080 |
| Total | 951,383 |
| *Provincial Level* | |
| Punjab | 863,896 |
| Sindh | 461,247 |
| NWFP (now Khyber Pakhtunkhwa) | 268,285 |
| Baluchistan | 167,144 |
| Azad Jammu and Kashmir | 67,423 |
| Total | 1,827,868 |

*Source:* National Commission for Government Reforms, Background Paper No. 1., p. 8, 2007. http://www.pakistan.gov.pk

As indicated above, the large size of the civil service in Pakistan has implications for effective performance and responsiveness to the basic public needs. Low salaries and pensions, insecure tenure, and rigid bureaucratic procedures with weak norms diminish motivation for public service, inhibit efficiency, decline effectiveness, and promote corruption in a large number of employees.

Under the 1973 Constitution, the Government of Pakistan has a ministerial form of organization. There are about 48 ministries, and each ministry is divided into one or more administrative divisions (http://pakistan.gov.pk). Every division, in turn, is composed of a central secretariat, subordinate offices of the division, attached departments, and autonomous or semi-autonomous bodies. Each ministry is headed by an elected parliamentarian (minister), and a senior civil servant with the rank of secretary serving under the minister. Each division is staffed by additional secretaries, joint secretaries, and deputy secretaries in order of seniority. In the provinces, the highest-ranking member of the civil administration is the chief secretary, who supervises all administrative functions at the provincial level and serves as a link between the chief minister (political provincial executive) and the province's civil administration. The secretariat system distinguishes between the responsibilities of staff officers (working in the central secretariat) and line officers (working in attached departments or autonomous organizations). Staff officers are responsible for policy making and setting policy directions of various programs. They serve as the link between the administrative institutions. Line officers are responsible for implementing policies and programs set by the secretaries. This clear dichotomy of policy making and policy implementation gives secretariat staff more preference, status, protocol, growth, and career progression opportunities than officers of attached departments or autonomous corporations (International Crisis Group 2010). Consequently, secretariat officers have brighter prospects for promotion than their counterparts in other departments.

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The civil service system in its present form has built-in preferences for generalists over specialists because of its secretariat system. Staff officers are primarily generalists and are ranked higher than line officers, who are usually specialists or technocrats. The chances of growth are quite high for generalists, as there is a greater degree of interinstitutional mobility for secretariat officers, while specialists are usually confined to their parent departments for their entire careers (Braibanti 2003). Civil servants belonging to the so-called prestigious occupational groups, including the District Management Group (DMG), Foreign Service of Pakistan (FSP), and PSP, are held in higher esteem compared to their counterparts in other groups. They are considered as bureaucratic elites, as most of the senior management positions in the ranks of secretaries are filled by members from these service groups/cadres. According to the findings of a perception survey conducted on students' attitude toward the CSP and their preference for various occupational groups, the FSP and the DMG were found to be the favorite groups among students because of the power, prestige, privileges, and protocol enjoyed by the incumbents of these groups.*

The Constitution of the Islamic Republic of Pakistan, 1973, has certain articles and provisions relating to the rules and regulations for civil servants. The Federal Civil Service Act of 1973 regulates the civil service provisions at the federal level; a similar act is present even at the provincial level. The Civil Establishment Code (ESTACODE) governs all laws, rules, operating procedures, and instructions relating to the terms and conditions of federal civil servants.

The following are some of the laws and rules that are of high importance for civil servants in Pakistan:

- Articles 240 and 241 of the Constitution of Pakistan and Civil Servants Act of 1973 provide for the terms and conditions of civil service.
- Civil Servant Rules 1973 provide the basis for appointment, promotion, and transfer of civil servants.
- Government Servant Rules 1964 provide the basis for conduct and disciplinary issues.
- Section 10 of the Civil Service Act of 1973 outlines promotions and transfers rules.
- Section 22 of Civil Servants Act of 1973 provides procedure for appeals, petitions, and representations.

The above acts, articles, and rules provide the basis for the terms and conditions of civil servants and the smooth functioning of the system at the federal and provincial level. Civil service refers to all the employees of federal government and its agencies, including the members of Central Superior Services (CSS), grouped under various occupations. All the federal jobs have been classified into a scheme ranging from grade 1 to grade 22, officially known as the National Basic Pay Scales (NBPS). This scheme was introduced under the 1973 administrative reform. Under this job classification, grades 1–15 are the nonadministrative/managerial jobs, whereas grades 16–22 are administrative jobs. CSS officers' entry grade is NBPS 17.

## 23.3 Recruitment and Selection of Civil Service Employees

Civil service in Pakistan has an old and rich tradition of selection based on merit. There are basically four channels of recruitment to Pakistan's civil service system:

* The findings, however, pointed to the decline in terms of students' preference for DMG, mainly due to the system of Devolution of Power Plan, 2001, in Pakistan (Khan & Musleh Ud Din, 2008).

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1. Direct induction of civil servants
2. Direct induction of military officers on permanent and contract basis
3. Advertisement against listed vacancies in ministries and departments
4. Ad hoc recruitment by departments for temporary vacancies in the ex-cadre category

The jobs in grades 17–22 are administratively classified as cadre and ex-cadre jobs. Cadre jobs belonging to the CSS are filled at entry level. The ex-cadre jobs are professional in nature, such as doctors, engineers, educationists, economists, technocrats, and so on. The Federal and Provincial Public Service Commission performs the functions of recruitment of officer-level position in Basic Pay Scale (BPS)-17 and above, whereas lower-level recruitment is done by the departmental selection committees headed by the department's secretary.

According to the rules, the minimum qualification required for the competitive examination is a bachelor's degree with II division. A candidate who has secured III division in BA examination, but got a higher division in master's degree or law, is also eligible for taking the examination. The maximum age limit to appear for a CSS examination is 28 years. Both men and women are equally eligible to appear for CSS examinations. For recruitment of civil servants, the annual CSS examination, which involves a written test in compulsory and elective subjects, followed by psychological aptitude tests and an interview, is taken. The written examination is divided into compulsory and elective subjects carrying a total of 1,200 marks. Compulsory subjects carry 600 marks and include English essay, précis writing, everyday science, current affairs, Pakistan affairs, and Islamiyat; optional subjects include a wide range of subjects from different fields and carry 600 marks in total.

Apart from the fact that civil service exams are highly competitive in nature, young graduates, even after completing their professional degrees in medicine and engineering, appear for the exam and opt for civil service jobs rather than other jobs. While job security in other professions is declining, civil service jobs still offer a secure career path to the incumbents with lucrative autonomy, prestige, and fringe benefits. However, the percentage of candidates who qualify for civil service exams is quite low. In 2007, the number of candidates who applied for the competitive exam was 7,066, out of whom 4,125 candidates appeared for the exam. Only 275 candidates qualified in the written test, and finally 180 candidates were allocated to different occupational groups, leaving the pass percentage only 6.67 (Management Services Wing 2008).

Candidates who qualify in the written examination are called for psychological tests comprising paper and pencil tests and group tasks. Such tests are designed to evaluate the abilities, attitude, and personality characteristics of the candidates, with special consideration for their aptitude for the civil services. It carries no marks, but an assessment report is considered critical while allocating candidates to different occupational groups. After qualifying in the above-mentioned tests, candidates are finally called for interviews or viva voce, which carries 300 marks. Interviews are conducted to assess the general interests, interpersonal communication, and hobbies of the candidates. The main objective of viva voce is to evaluate candidates' stress level, intelligence, emotional stability, alertness of mind, confidence level, strengths, vigor of character, and potential abilities of leadership. Final merit is prepared after accumulating all scores obtained from various tests. Successful candidates are assigned to their respective occupational groups (12 occupational groups) based on their overall positions and regional or provincial quotas. The domicile of a candidate is also given due importance while making recruitment. In the case of a married female candidate, her domicile is considered to be the same as that of her husband for the purpose of direct recruitment to accommodate family concerns.

While cadre jobs/posts are filled at entry level (grade 17) through competitive examination, the ex-cadre jobs/posts are filled by the selection boards of concerned ministries/departments when such posts are vacant. The ex-cadre posts do not belong to any occupational group or

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cadre. The cadre vs. ex-cadre distinction has serious implications in the context of civil services, as incumbents in cadre jobs/posts are career civil servants and have brighter career prospects than do incumbents in ex-cadre posts. Military recruitment refers to the induction of military officers into the CSS on the recommendation of a high-powered commission chaired by the President of Pakistan. Such recruitment is made on both permanent and contract bases. Provision of regional and provincial quota exists in these recruitment categories.

Recruitment criteria and rules are clearly stipulated in the ESTACODE and other relating documents, and there is no legal bar on the entry and promotion of civil servants. Article 27 of the Constitution protects citizens from discrimination by stating that "no citizen otherwise qualified for appointment in the service of Pakistan should be discriminated against in respect of any such appointment on ground of sex, caste, or creed" (Khosa 1992). However, discrepancy in implementation of the criteria may arise due to the subjectivity in the viva voce process. For instance, several anecdotal reports point to the subtle and complex discriminatory practices against women, which inhibit their equitable representation in different occupational groups. The psychological test that evaluates the suitability of the candidates for different occupational groups may also have a potential bias toward masculine personality characteristics. Thus, gender streaming takes place at the entry point that restricts women from joining the prestigious occupational groups with bright career prospects and greater chances of reaching the top positions in the civil service hierarchy.

### *23.3.1 Quota System*

In 1947, after independence, Pakistan inherited a civil service system with a disproportionate representation of different regions due to a number of historical, social, economic, and political reasons. East Pakistan (now Bangladesh), despite having the majority population, had relatively low representation in the higher bureaucracy relative to West Pakistan. Even within West Pakistan, bureaucracy was not regionally representative, as Sindh, Baluchistan, and NWFP had lower representation than Punjab. Soon after independence, the political leadership of Pakistan realized the need for a regionally and ethnically balanced bureaucracy and introduced the quota system in 1949. Each province was allocated a certain percentage of posts at the time of direct recruitment to the civil services. Though the quota was initially introduced for 5 years, it is still in place, and its elimination has become impossible due to the expected reaction from smaller provinces and ethnic minorities (Jabeen 1999). The provincial and regional quota listed in Table 23.1 is available for recruitment to civil posts in the ESTACODE.

Since the Zia ul Haq regime in the 1980s, a 10% annual induction of military officers at the rank of captain and equivalent from navy or air force are reserved. There is no CSS examination or entry test for military inductees. They are directly nominated and sent for interviews conducted by the Federal Public Service Commission (FPSC). They are usually assigned to major three prestigious groups of civil service system in Pakistan, that is, the police, DMG, and foreign service.

## 23.4 Training and Development of Civil Servants

The Federal Civil Service has a comprehensive training and development system for incumbents. After recruitment of civil servants, a pretraining or common training program (CTP) is mandatory for all newly inducted officers. It is followed by a specialized training program (STP) organized for specialized occupational groups. There are two types of training for civil servants: pre-service training and in-service training.

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**Table 23.1 Quota System in Pakistan**

| | |
|---|---|
| 7.5% | Merit regardless of any regional or provincial affiliation |
| 50% | Punjab |
| 19% | Sindh |
| 11.5% | Khyber Pakhtunkhwa |
| 6% | Balochistan |
| 4% | FATA/Gilgit Baltistan |
| 2% | Azad Jammu Kashmir |
| 10% | Since 2007, 10% quota has been allocated for employment of women across the board from the share of each province |

*Source:* Management Services Wing. *ESTACODE (The Civil Establishment Code),* Vol. 1. Islamabad: Establishment Division, Government of Pakistan, 2007, p. 67.

### *23.4.1 Pre-Service Training*

Pre-service training is provided to selected candidates before joining in their respective occupational groups. This training was introduced under the 1973 administrative reforms. A basic motive of this training is to help probationers to equalize their educational level and provide them an opportunity to socialize with the culture and norms of the civil service and promote harmony among batch mates. The Civil Service Academy, Lahore, is the premier training institute where new inductees are imparted pre-service training. The duration of the training is usually 6 to 7 months. The training is interactive and participative in nature, comprising lectures, panel discussions, syndicate discussions, case studies, district and village tours, audio-visual aids, and so on. The curriculum of common training consists of public administration, Pakistan studies, development finance, social developments in Pakistan, and law and international relations. Successful trainees are then sent to their respective training institutions for a specialized training program for the concerned occupational groups.

### *23.4.2 In-Service Training*

This type of training is offered to all civil servants at various stages of their careers. There are formal in-service training institutes in Pakistan that are responsible for organizing such training for officers, including the National Institute of Management (NIM), formerly the National Institute of Public Administration (NIPA), at Karachi, Lahore, Khyber Pakhtunkhwa, and Quetta; the Pakistan Academy for Rural Development, Peshawar (PARD); and the National Management College (NMC), formerly Pakistan Administrative Staff College, Lahore (PASC). At present, the NIM and the NMC have been merged, and the newly formed institute has been named as National School of Public Policy (NSPP), which is an umbrella organization to regulate the professional development needs of civil servants. The NMC is responsible for offering training courses to grade 19–20 officers; successful completion of the training program is a prerequisite for promotion to a higher grade. There are no extensive training programs for technocrats or specialists (as is the case of cadre civil servants), and the lack of training and development opportunities becomes a source of demotivation for line officers.

Recognizing the need and importance of training and development, the civil service offers elaborate and comprehensive training programs relating to the professional development of civil

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servants. The purpose of such training is to build capacity of civil servants and enhance their career potential through providing them exposure of latest trends, discourses, methods, and techniques in public management. Such training courses are offered at both home and abroad, including the best schools in the United Kingdom, the United States, Singapore, Malaysia, China, South Asian countries, and so on. However, nomination for such lucrative training programs is not transparent and purely based on merit. As discussed earlier, generalists in cadre posts find more opportunities for training than do the specialists in ex-cadre posts, and the training opportunities are not provided equally to all occupational groups and all levels of the bureaucracy. Furthermore, the link between training and performance is also weak in the absence of having post-training evaluation and detailed need assessment before organizing the training courses.

## 23.5 Benefits and Compensation

There is a National Pay Scale System, introduced by Administrative Reform of 1973, that includes 22 national pay scales (NPS). The NPS 17–22 are officer grades. The Civil Service Rules 1973 provide salary, benefits, pension schemes, benevolent grants, and group insurance to facilitate with social security to civil servants. The rank in the hierarchy of bureaucracy basically determines the salary and benefits of civil servants. While monetary benefits are the same for all occupational groups at all grades from 17 to above, different occupational groups carry different nonmonetary benefits, level of prestige, and protocol. As per rules of the civil service, the retirement age for civil servants is completion of 60 years; however, an officer may opt for an early retirement and qualify for pension upon completion of 25 years of service. In some cases, senior civil servants in the ranks of secretaries, joint secretaries, divisional and deputy commissioners and armed personnel are re-engaged for other assignments on a contract basis after their retirement upon the age of superannuation, that is, the age of 60 years involving increase in retention in public service.

The attrition of real wages in public sector has led to low morale, demotivation, inefficiency, and inclination toward corrupt practices among the civil servants at all levels. In Pakistan, public sector salaries are 60% lower than in the private sector, even excluding nonwage benefits. Though jobs in the civil service provide some security and pension benefits to its incumbents, due to the high inflation rate in Pakistan, people prefer to have decent and competitive salaries during the service. Low wages of civil servants mean that the civil service no longer attracts the most talented young men and women. As discussed in the recruitment and selection section, the number of candidates appearing for competitive exams and their passing rates are very low. No serious efforts are being made by the government to attract the potential youth by raising awareness about the importance and meaningfulness attached to public service at the university and college level through seminars, discussion forums, and opportunities for networking and mentoring. The National Commission for Government Reforms (NCGR) 2008 recommended in its report a decent living wage and competitive compensation and benefits to attract qualified and motivated civil servants and avoid corruption. The recommendations of the report have not yet been finalized and approved for implementation.

The lack of income opens the door to undue influence and corruption by political parties.* In their instinct of self-preservation and to fulfill (or to relish in) their economic needs, incumbents

* In theory, the relationship between civil servants and elected officials is clear and is given political neutrality in the parliamentary system. Elected politicians and cabinet ministers are there for policymaking and strategy formulation for public programs. Implementation of these policies and programs is the duty of the civil servants. Ministers decide issues in the light of advice from civil servants. Both parties of the administrative system are interdependent on each other. The text paragraph addresses inadequate pay being a source of breakdown of this fundamental bargain.

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of the civil services become prey to the political regimes in power and join one or the other political party. They receive benefits from the culture of patronage and support practiced by the politicians, and politicians use civil servants for realizing their political and personal interests, which encourages the culture of corruption, nepotism, redtapism, and favoritism. According to the Human Development Report 1999, the magnitude of corruption exceeded Rs. 100 billion in one year in Pakistan where public financial institutions provided huge loans to political leaders, industries, and friends who later declared bankruptcy (Haq 2000). The political history of Pakistan has proved that when a political regime changes, the top bureaucracy also changes subsequently. This growing trend of informal political affiliation for persistently holding on to key jobs is also responsible for the end of an impartial, neutral, fair, and competent civil service that is responsive to the needs of the common people as outlined in the mandate of the civil service. Civil servants are loyal to the ministers, the chief ministers, and the prime minister, despite working for the administrative control and accountability toward public projects. The bureaucracy and political regimes of Pakistan work for their own benefits, not for the benefit of the common people. At times, corrupt practices, such as bribery, nepotism, undue influence, and misuse of public funds and resources, are rationalized informally as compensation for the lower salaries in the public services. The civil servants who desire to break the status quo and aspire to implement the rules effectively are pressurized by the regime to abstain from doing so, and most of the time they compromise to safeguard their careers.

## 23.6 Performance and Promotion

Under the Civil Servants Rules of 1973 (appointments, promotions, and transfers), promotion in civil services is based on a combination of merit and seniority. Promotions to the highest grade, that is, BPS-22, are made by the prime minister without consultation with the establishment division. The Central Selection Board makes promotions to the civil servants of BPS-19 and above on dual criteria of excellence and merit, which are determined by members of the board. Promotions in BPS 17–18 are made by the departmental promotion committees headed by the secretary. Promotions are based on four criteria: (1) minimum duration of active service; (2) clear disciplinary record; (3) favorable performance evaluation report (PER) as per requirement; and (4) successful completion of the mandatory training course. As discussed earlier, the cadre posts in grade 17 and above are promotion posts, linked up in a well-defined career path in each occupational group, while ex-cadre posts do not follow strict career paths and offer limited career advancement opportunities to the incumbents. Section 9 of the Civil Servants Act of 1973 stipulates the promotion criteria for various posts as follows:

> A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a post for the time being reserved under the rules for departmental promotion in the higher grade of the service or cadre to which he belongs. (Hussain cited in Khan 2003b, p. 174)

An officer once assigned to a cadre remains affiliated with it throughout his/her career and finds training and development, promotion and benefit opportunities on the basis of that membership.

The cadre posts for promotion purposes are classified into two categories: (1) nonselection posts and (2) selection posts. While promotions to nonselection posts are processed by the Departmental Promotion Committee on the basis of seniority-cum-fitness, promotions to selection posts are

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processed by the Central Selection Board on the basis of fitness/suitability. While posts in grade 18 and below are nonselection posts, posts in grade 19 and above are selection posts. Requirements for promotion to each grade are clearly specified in promotion rules. Promotion to posts in grade 19 requires (1) 12 years of service; (2) a minimum score of 60 marks in the PERs; and (3) relevant experience to the post to which promotion is being made. The score on the two criteria "quality and output of work and integrity" in PER is considered important in determining the relative merit of the officer. Promotion to grade 20 requires (1) 17 years of service; (2) a minimum score of 70 marks in PERs; (3) relevant experience; and (4) completion of training at NIM, NMC, or an equivalent course attended at another specified institution. Along with quality and output of work and integrity, varied experience is given considerable weight in promotion decision. Posts in grade 21 are senior management positions involving important policy making and extensive administrative decisions. Promotion to these posts require (1) 22 years of service; (2) a minimum score of 75 in the PERs; (3) relevant experience, and (4) training at NMC, National Defense College, or an equivalent institution. Besides quality and output of work, integrity, and varied experience, management potential is also considered an important factor in deciding promotions to grade 21. This includes balance, maturity, and suitability to assume top management positions (i.e., Secretary of Division/Ministry, Chairman of Corporations, etc.). The incumbents of grade 22 are promoted on the recommendations of the concerned ministries in consultation with the Establishment Division.

Under the rules, the Establishment Division is required to submit a factual report of all possible candidates for the above positions covering matters such as service, eligibility, and tenure together with their character rolls. However, in practice, ministers tend to make these appointments on a political basis through manipulation. Subjective and intangible aspects of the PER through judging leadership potential of officers on the basis of their character, integrity, and quality of work have serious implications for professional civil servants coming from diverse occupational groups. As pointed earlier, some occupational groups, such as the DMG, Pakistan Foreign Service (PFS), and PSP, offer more versatile experience and exposure to the incumbents as compared to the other groups. Officers from these groups find built-in preference at the time of promotion due to the weight given to varied experience in performance evaluation. The above promotion criteria place women civil servants at a disadvantage, as they are not offered field appointments due to the perceived difficulties for women in such assignments based on traditional cultural norms and traditions.

In CSP, the main mechanism for performance evaluation is the PER, formerly known as the Annual Confidential Report (ACR). The Establishment Division of the Government of Pakistan provides policy directions and maintains the confidential records of evaluations. Performance evaluation underlies selection, training, appointments/transfers, promotions, confirmations, or screening of officials at different levels. PERs are filled by the superior officials for their subordinates. Officials who conduct the PERs are called reporting officers, and their reports are counterchecked by countersigning officers.

There are seven types of performance evaluation forms for officers working at different levels that are customized according to the civil servants' ranks. For example, the PER form for officers in BPS-16 contains four parts: (1) personal information of the officer, (2) evaluation of personal qualities of the officer, (3) pen picture or general assessment, and (4) remarks of the countersigning officer.

Generally, civil servants are evaluated by the reporting officer on their knowledge, expertise, integrity, competence, analytical skills, and future prospects for training. The countersigning officer evaluates that officer, and the second countersigning officer reevaluates the whole report and

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provides his/her remarks, if any (Management Services Wing 2004). The performance evaluation system as practiced has a weak linkage with performance management, compensation, and promotion mainly due to the lack of transparency and objectivity in the process. Communication of adverse remarks to the concerned officers becomes more challenging due to the absence of a culture of open communication and constructive feedback. As per the spirit of performance evaluation, performance interviews are hardly conducted to develop improvement plans in consultation with the incumbent officer. Moreover, PERs are filled to meet the formal requirement of the system toward the end of the year rather than on a continued basis, which allows room for bias and favoritism.

## 23.7 Civil Service Reforms in Pakistan

There exists a history of civil service reform in Pakistan. Over the past 65 years, there have been about 20 studies of administrative reforms in which many problems have been identified. However, very limited efforts have been made toward implementation. The main reasons are political interference, political and economic instability, ineffective planning, and resistance by the civil service (Wilder 2009). Many people from politics, the judiciary, public service, private sector, academia, and professionals have devoted valuable time analyzing and suggesting a reformed structure of the civil services. After independence, Sir Victor Turner set the reorganization committee to look into and examine the procedures of government. Similarly, in 1948, a pay commission was established under the chairmanship of Justice Muhammad Munir to submit recommendations on remuneration level of civil servants. In 1953 and 1955, Rowland Egger and Bernanrd Gladieux, respectively, were invited for improvement of the public administration system in Pakistan. In 1958, G. Ahmad submitted report on reorganization of the federal government. The Cornelius Report of 1962 covered issues related to the services, structure, and organization of the federal and provincial governments. The new constitution was promulgated in 1962, and M. Shoaib submitted a report on reorganization of the functions and structure of federal government. In 1969, General Yahya Khan appointed a working group for preparing a report on reorganization of the public service structure in Pakistan.

Major administrative reforms were initiated in 1973 by the Bhutto government. Its major contributions were to abolish reservation of key posts in federal and provincial governments for the members of the CSP cadre, and replacing the CSP cadre by the DMG and the secretariat group in ways that represent all occupational groups. It also introduced a unified service structure for different occupational groups and unified NPS in grades 1–22. However, in 1978, the Civil Services Commission was formed to revisit the administrative reforms of 1973, and it found radical changes in terms of reform. In 1989, another Service Reforms Commission was established that presented its report in 1991, but no action was taken on the recommendations of the commission. An Economy Commission was constituted in 1991 that recommended reduction in the number of divisions in the federal government and abolition of 75 organizations. The Chattah Commission in 1995 re-emphasized the need for reducing the number of divisions in the federal secretariat. In 1997, another Commission on Administrative Restructuring was appointed, but its recommendations could not be deliberated upon as the government of Nawaz Shariff was dismissed in 1999. In 2000, the National Reconstruction Bureau prepared the Devolution Plan of 2000, which included the Local Government Ordinance of 2001 and the police reforms, which were incorporated in Police Ordinances, 2002.

In April 2006, the National Commission for Government Reforms (NCGR) was formulated for Government Reforms, which focused more on a holistic view of the functions an effective

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government should perform, and the NCGR report was published in 2008. The NCGR in 2008 presented a complete report on civil service reforms, which included (1) open and transparent merit-based recruitment, performance-based promotions, and career progression for all public sector employees, with compulsory training at post-induction, mid-career, and senior management levels, and the (2) equality of opportunities for career advancement to all employees irrespective of gender or any other differences. The report also recommended replacing the concept of superior services; introducing equality among all cadres and noncadres of public servants; granting a living wage and compensation package, including decent retirement benefits to all civil servants; and strict adherence to security of tenure of office for a specified period of time. Moreover, it included a separate cadre of regular civil services at the federal, provincial, and district levels synchronized with contractual appointments. It was suggested that all Pakistan National Executive Service (NES) should be created for senior management positions drawn through a competitive process from the federal, provincial, and districtlevel civil servants and professionals from other sectors. NCGR recommended the introduction of three specialized cadres under the NES for economic management, social sector management, and general management to have an effective implementation of reform (NCGR 2008). To date, little has come of these recommendations. The recommendations of the report are pending for discussion and debate at provincial governments and at the National Assembly level.

In all of the above reform initiatives, political instability, political interference, and lack of planning and strategy making are identified as the major roadblocks to the civil service reform in Pakistan. Political history of Pakistan depicts that no report on reform presented by any commission has been properly implemented, as governments change within a very short span of time. The unwillingness of executive rulers to implement reforms effectively in Pakistan is the main area of concern (Wilder 2009). Politicians and political parties have vested interests regarding the structure and functions of bureaucracy, and this to some extent prompts them to avoid implementation of reforms. The Pakistan People's Party (PPP) actually supported the idea of labor unions and did not appreciate the idea of rightsizing; hence, they provided many clerical jobs in public sector organizations during their regime. Similarly, the Pakistan Muslim League (N), which received big support from traders and businessmen, focused more on privatization of banking sector and formation of state enterprises as witnessed in the 1990s. Similarly, the military regime, with its dictatorial mindset, has always discouraged the successful implementation of reforms. Subservience of the civil service to military rulers is a dilemma of the Pakistani civil service system that causes the military to support the civil service (Hussain 2008).

It has been observed that civil servants themselves resisted the implementation of civil service reforms when reforms have either an uncertainty factor or greater degree of potential loss of privileges associated with civil service. It has been observed that reforms have often failed in Pakistan if they are associated with outside organizations, based on borrowed ideas, or imposed by international lending authorities such as the International Monetary Fund, World Bank, and so on, without adapting them to the indigenous context while looking into the short-term and long-term interests (Iqbal 2006; Jabeen 2007).

## 23.8 Culture and Society

Culture has strong implications on the micro and macro institutions of the society. The South Asian cultural context is characterized by authoritarianism, elitism, bureaucratic values, paternalism, extremism, and feudalism. These cultural values are reflected in political,

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economic, and administrative spheres at individual, organizational, and societal level (Islam 2004). Pakistan inherited a rich and highly centralized administrative and organizational structure from colonial rulers after independence. The colonial legacy of the administrative system comprises centralization, formalism, secrecy, elitism, rigidity, and social isolation, which are quite common in all South Asian countries, including Pakistan (Zafarullah and Haque 1998). Similarly, the main features of the administrative system of Pakistan are a rigid hierarchy divided into many organizational layers, too many rules and regulations that cannot be changed easily, top-down leadership and communication, strict command, and control and centrality.

As discussed earlier, laws, rules, and instructions relating to terms and conditions of federal and provincial civil servants are clearly laid down in various official documents. However, there exists a major gap in terms of implementation of these laws and rules mainly due to the cultural context of the country, which is in contrast to Western bureaucratic values of merit, impersonality, rule of law, transparency, and accountability. These are accepted but are secondary to the other values, practices, and interests mentioned above. Ideally, civil servants are supposed to be public servants and their duty is to provide services and be responsive to the needs of the people in their domain. Unfortunately, the bureaucratic culture of Pakistan civil services makes them feel superior to the common public, and they consider themselves masters rather than public servants.

Such bureaucratic culture does not foster the involvement of the general public and the civil society in providing their feedback for services despite the fact that they are the major stakeholders. There is a huge lack of citizen participation in terms of decision making and in giving suggestions toward improvement of the system. Mostly, common people in Pakistan perceive civil services as prestigious and superior in status as compared to other government posts in the same ranks. However, at the same time, people also perceive that the civil service system in Pakistan has become inefficient, corrupt, and rigid, and it shows resistance to change and innovation over time (Iqbal 2006). Yet, paradoxically, the demand for public input at the local level is not very large,* perhaps because they perceive that there is not much they can do to affect better outcomes from the bureaucracy. There is a large gap in terms of communication and coordination between civil servants and the general public.

Western and developed countries have a long history of using democracy and bureaucracy as tool for attaining efficiency and responsiveness of their governments. Their political and administrative institutions are guided by the basic rules and principles of democracy and bureaucracy and successfully attaining their goals and mission. In contrast, the model of bureaucracy adopted and practiced by postcolonial societies, such as Pakistan, failed to attain its respective societal and administrative goals. Bureaucratic elitism and dominance of state bureaucracy became the source of overdeveloped civil service vis-à-vis other institutions. Due to incongruence between bureaucratic values and cultural values, bureaucracy in Pakistan deviated from its principles, such as merit, impersonality, and rule of law. Instead of making bureaucracy responsive to the needs of the general public, elected officials of government use bureaucrats for their own political interests (Jabeen 2007).

* The idea of local government was implemented in 2001. The Devolution of Power Plan 2001 to encourage more citizen participation and to increase accessibility for the public to voice their issues and concerns before public representatives (civil servants), but it has failed in Pakistan due to certain control and coordination issues.

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## 23.9 Conclusion

To conclude, the CSP is the backbone of the administrative system in the country. Pakistan inherited its civil service system from its British colonial experience. Today, it has well-developed processes and policies for matters relating to the performance of civil servants, such as recruitment, compensation, training, promotion, and appraisal, as discussed above. However, some realities should not be overlooked while looking into the implementation of these processes. First, the civil service is a strong and dominant institution in society, second only to the military, representing 3.4 million employees at the federal and provincial level. As such, it has often adopted an elitist outlook and has not been open to reform or democratic responsiveness; many be perceived it as inefficient, ineffective, corrupt, and rigid. Second, salaries are well below the private sector, causing problems of attracting and retaining the best and the brightest young people; low salaries also lead to corruption. At low levels, petty corruption is common, and at high levels, politicians find opportunities for using the bureaucracy for their personal or party interests.

However, at the same time, the civil service is also a source of stability and progress in the country that needs to be restructured and strengthened through a process of reform. The reform initiatives need to be gradual, consistent, and realistically designed specifically in view of the indigenous contextual requirements. The major reform initiative should target transforming the rigid and oversized bureaucracy into a more citizen-friendly, responsive, and smart civil service. Transparency, merit, equity, professional ethics, and passion for public service need to be inculcated in civil servants. The existing civil service human resource, financial, and information systems should be revisited for upgradation and modernization of the system, and accordingly the capacity of civil servants should be enhanced for public service delivery at all levels. Restoring the public image of the civil service as a strong-willed agent is an urgent requirement.

## References

Braibanti, R. (2003). *Evolution of Pakistan's Administrative System*. Islamabad: Management Services Wing, Establishment Division, Government of Pakistan.

Civil Servants Act, 1973, Government of Pakistan. www.csa.edu.pk/csact73.php.

Haq, M.U. (2000). *Human Development in South Asia 1999: The Crisis of Governance*. Oxford, UK: Oxford University Press.

Hussain, A.I. (2003a). *Civil Service in Pakistan*. Islamabad: Pakistan Public Administration Research Centre O & M Division, Government of Pakistan.

Hussain, A.I. (2003b). The civil services. In Khan, J.R. (Ed.), *Government and Administration in Pakistan*. Islamabad: Pakistan Public Administration Research Centre O&M Division, Cabinet Secretary, Government of Pakistan.

Hussain, I. (2008). Report of the National Commission for Government Reforms (NCGR). Islamabad: Government of Pakistan.

International Crisis Group. (2010). Asian Report No. 185: Reforming Pakistan's civil service. http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/185-reforming-pakistans-civil-service.aspx.

Islam, N. (2004). Safarish, sycophants, power and collectivism: Administrative culture in Pakistan. *International Review of Administrative Sciences*, *70*(2), 311–330.

Iqbal, M. (2006). Is good governance an approach to civil service reforms. *The Pakistan Development Review, 45*(4), 621–637.

Jabeen, N. (1999). *Gender and Management: Factor Affecting Career Advancement of Women in the Federal Services of Pakistan*. Stirling: University of Stirling.

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Jabeen, N. (2007). Good or good enough governance in South Asia: Constraints and Possibilities, Inaugural address as Professor to the Prince Clause Chair in Development and Equity, delivered at Utrecht University.

Khan, F.J., & Musleh-ud-Din. (2008). Attitudes towards civil service of Pakistan: A perception survey. *The Pakistan Development Review, 47*(4), 779–790.

Khosa, A.S.K. (1992). *The Constitution of Pakistan, 1973*. Lahore: A.N. Sohail.

Management Services Wing. (2004). *A Guide to Performance Evaluation*. Islamabad: Management Services Wing, Establishment Division, Government of Pakistan.

Management Services Wing. (2007). *ESTACODE (The Civil Establishment Code)*. Islamabad: Management Services Wing, Establishment Division, Government of Pakistan.

Management Services Wing. (2008). *Civil Service Review*. Islamabad: Management Services Wing, Establishment Division, Government of Pakistan.

National Commission for Government Reforms. (2007). Background Paper No. 1. Islamabad: Government of Pakistan. http://www.pakistan.gov.pk.

Wilder, A. (2009). The politics of civil service reform in Pakistan. *Journal of International Affairs, 63*(1), 19–37.

Zafarullah, H., & Haque, A. (1998). Public management in South Asia: Dimensions and directions of change. *International Journal of Public Administration, 21*(10), 1477–1510.

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# SRI LANKA

# IV

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# *Chapter 24*

# History and Context of Public Administration in Sri Lanka

A.M. Navaratna-Bandara

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## 24.1 Introduction

This chapter presents the context of public administration in Sri Lanka, briefly surveying the sociopolitical backgrounds that influenced its origin and development. The discussion below focuses on the legacies of colonial bureaucracy, the transition from colonial bureaucracy to national bureaucracy, and the changes and the challenges faced by public administration in the postindependence era.



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## 24.2 Sri Lanka: A Brief Background

### 24.2.1 Population, Ethnicities, and Religions

Sri Lanka is a tropical island just 20 miles away from the southeast coast of India. It has an area of 63,000 square kilometers. According to the latest population estimates, the country has been inhabited by 20,653,000 people (Estimated Population for 2010, Sri Lanka Department of Census Website). The political society of Sri Lanka consists of three major ethnic groups, namely the Sinhalese, the Tamils, and the Moors. The Sinhalese, an Indo-Aryan linguistic group, are the majority community, and most of them are Buddhists. The Tamils, a Dravidian linguistic group, are the principle minority community in the country, and most of them are Hindus. They are subdivided into two groups, namely the Sri Lankan Tamils and the Indian Tamils. The Sri Lankan Tamils have been settled in the country for more than a millennium, whereas the Indian Tamils are of recent origin. The majority of the Indian Tamils are descendents of the workers brought to the estate plantations in Sri Lanka in the nineteenth century by European planters (Panditaratne and Selvanayagam 2009). Like the Sri Lankan Tamils, the Moors (or Muslims), the second minority community in Sri Lanka, have an ethnological history of more than a millennium in the island. They were the descendants of Arab traders who came to Sri Lanka for trade between the eighth and fifteenth centuries (Dewaraja 1994; Samaraweera 1997). According to the census conducted in 1981, the last comprehensive census conducted before the civil war that lasted until 2009, the ethnic distribution of Sri Lankan population was Sinhalese, 73%; Sri Lankan Tamils, 12.62%; Tamils of recent Indian origin, 5.19%; and Sri Lankan Moors, 7.42% (Department of Census of Sri Lanka 1981).

The majority of Sinhalese are Buddhists, and the majority of Tamils are Hindus. The Moors are followers of Islam and prefer to be called Muslims to distinguish themselves from the Tamils, who share the Tamil language as their mother tongue. The Christians are the fourth largest religious group, and they account for nearly 4% of the population. They are mainly drawn from the two major ethnic groups, namely the Sinhalese and the Tamils. The Christian population includes members of the Burgher community, a tiny minority of Eurasians (less than 1% of the population) descended from the Portuguese and the Dutch (McGilvray 1982), who were the colonial masters of the maritime regions of the island during 1597–1796.

### 24.2.2 The Colonial History

Sri Lanka, or Ceylon, as it was called until 1972, was under three Western colonial powers for three-and-a-half centuries until it gained independence from Great Britain in 1948. The first colonial power, Portugal, became the ruler of the southern maritime regions of the island in 1597 by engaging in political affairs for more than five decades and exploiting the disputes in the royal family of the Kotte kingdom (Sinhala) that controlled the areas outside the northern region of the island at the time of the arrival of the Portuguese (De Silva 2005). In 1619, the Portuguese became the rulers of entire maritime regions of the island when they annihilated the Tamil kingdom that existed since the thirteenth century in the northern regions of the island (De Silva 2005). The Dutch, the next colonial power who became the rulers of the maritime regions after the Portuguese in 1656, controlled the maritime region until they were replaced by the British in 1796 (De Silva 2005). The British became the rulers of the whole island in 1815 after capturing the Kandyan kingdom; the last Sinhala kingdom that existed in the central parts of the island protecting the sovereignty of the Sinhala kingdom after the Kingdom of Kotte fell into the hands of the Portuguese (De Silva 2005).

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In 1833, the British government initiated an important policy change following the recommendations of the Colebrook–Cameron Commission, which was sent to the island in 1829 to recommend the necessary changes focusing on the administration and the finances of the island (Mendis 1956). The two commissioners, William Macbean George Colebrook and Charles Henry Cameron, were enthusiastic supporters of the laissez-faire liberalism that was the dominant political philosophy in the nineteenth-century British political establishment (Mendis 1956; Samaraweera 2009). Having divided the subjects deriving from their mandate among themselves, C.H. Cameron looked into the judicial system in the colony, and Colebrook took the responsibility of reporting on the legislative, executive, administrative, and financial aspects of the colonial government (Samaraweera 2009). Reporting on the judicial system in the island, Cameron recommended the separation of the judicial branch from the other two branches of the government to make it an independent institution responsible for providing equal legal protection to the people. He proposed the abolition of the different tribunals that existed in the island and the reinvention of the judicial system under the leadership of the Supreme Court headed by the chief justice appointed by the government in Britain with other members of the Supreme Court. To this effect, the British government issued the Ceylon Charter of Justice of 1833 (Mendis 1956), highlighting the importance of freeing the judicial branch from the interference of other branches of government (Mendis 1956).

William Colebrook envisaged opening the resources of the island to foreign investors as the best policy option available to deal with the immediate mandate of their appointment, namely finding suitable measures to avoid the continuation of the administration of colony as a financial burden to the tax payers in Britain. Colebrook recommended the cancellation of all trade monopolies that existed in the island, the withdrawal of state involvement from all trade activities, the removal of all state regulations that discouraged foreign investors, and the abolition of traditional system of service tenure (Samaraweera 2009). The key intent of these recommendations was to prepare the economic policy of the colonial government to suit the industrial capitalist interests that had already entered the policymaking centers in London (Hettiarachchi 1982). Further, he recommended the establishment of legislative and executive councils to reduce the powers exercised by the colonial governor. Legislative councils comprising nine officials and six unofficial members were proposed to provide representation to the European investors and the leading native families in the legislative process (Samaraweera 2009). As such, the colonial governor was asked to share his powers with the two councils, with the judicial branch emerging as the check against the arbitrary use of power to provide equal protection of law to the ordinary people. The Colebrook–Cameron reform put Sri Lanka ahead of other British colonies in Asia and Africa, as the colony received a system of government based on the principle of separation of powers earlier than other colonies (Navaratne 1989).

The changes at the policy and the institutional levels following the recommendations of the Colebrook–Cameron Commission had a considerable impact on the system of governance in the colony. These recommendations changed the constitutional landscape of the colony, as they required an administrative system committed to the laissez fair liberal ideology to bring in the economic forces of emerging industrial capitalism in Europe. In this context, the executives in the administration had to develop the necessary skills to manage the imperial affairs without disrupting the emerging civil space that promoted individualism for social mobility and the free market. It was after the implementation of the Colebrook–Cameron recommendations that the emergence of a colonial state in Sri Lanka took shape with a modern version of public administration gradually replacing aristocratic features of the old system.

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## 24.3 The Colonial Bureaucracy

### *24.3.1 The Colonial Administrative System*

The reform started in 1833 paved the way for gradual transformation of the civil administration of the government from "autocracy" to "bureaucracy" (Collins 1966). The argument points to the fact that it was after 1833 that the personnel conditions of public service in Sri Lanka moved out of the patronage system, which originated in the feudal society in England, and was modified in line with the Webarian bureaucratic model. It is worth noting here that the change of service conditions of the public service in colonial Sri Lanka was influenced by the changes that took place in the Indian civil service and also the reforms introduced into the British civil service following the recommendations of the Northcote–Trevelyan Commission of 1854. On these lines, in 1856, a competitive examination was introduced to attract good-quality university graduates to the Ceylon Civil Service (Warnapala 1974). Until 1870, the governor enjoyed the power to nominate individuals to public service positions. In 1870, the government decided to hold the recruitment examinations simultaneously in Colombo and London to allow Sri Lankans who had graduated from British universities to enter the higher administrative class, the Ceylon Civil Service (Warnapala 1974). In 1880, when the government decided to hold the examination only in London, the leading members of the Ceylonese middle class formed the Ceylon National Association and organized a well-coordinated political agitation that influenced the government to establish the local division of Ceylon Civil Service in 1891 (Samaraweera 2009).

Despite the changes targeted at the recruitment of the personnel to the civil service, the rigid regulatory system persisted. A civil service code was prepared to make the public officers work as the servants of the Crown. The administrative system was organized in such a way as to keep the strategic control of the government machinery in the hands of the European officers. The main functions of the administrative organization were the handling of law and order and the collection of state revenue. Although the colonial administrators as the servants of the Crown were required to protect the imperial interests, there were specific instructions to adopt a caring approach when dealing with the ordinary masses (Leitan 1979). The administrators were obliged to visit the villages and towns to see for themselves the problems faced by the ordinary people at least once a week. They were advised to monitor the availability of basic necessities, such as water, sanitation, agricultural requirements, and essential food items to the villagers during their visits (Leitan 1979).

The administrative authority of the colonial state was highly centralized under the leadership of the governor, whose office functioned as the Central Coordinating Secretariat of the government. The colonial secretary, who was the second-in-command, functioned as the chief of the public service. The administrative functions were subdivided into departments that were centralized institutions stationed in the capital city, Colombo (Leitan 1979). The local administration was handled by a government agent (GA) appointed to each administrative province that was reorganized following the recommendations of the Colebrook–Cameron Commission. In 1833, the entire country was divided into five provinces, each was placed under a government agent, and the provinces were subdivided into districts, each under an assistant government agent (AGA) (Leitan 1979). The local administration had features similar to the prefectoral system in France. Like the prefects in France, the government agents who led the highly centralized provincial administrative system were located at the office called Kachcheriya, with military, police, administrative, and fiscal authority to administer the province as the agents of state and government. As the chief revenue officer of the government, the GA was responsible to the revenue department.

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Although the government agent was primarily a revenue collector, a great variety of functions came to be exercised by him.

The GA performed a combination of legislative, executive, and judicial functions in the province. In addition to those duties, he was expected to give his recommendations at the Conference of Government Agents. The police ordinance recognized the GA as the head of the police service in the province. In addition, the GA was given the control over the inferior departments in his province. Finally, the GA became the representative of the central government responsible for promoting the general interests of his province. The tasks assigned to him in the civil service manual were practically unlimited. They consisted of tasks related to agriculture, industry and trade in the province (Leitan 1979). With the increasing government functions, the line of authority shifted to the colonial secretary, and the GA had to work with him to implement general orders of the government. The indigenous hierarchy of officials that extended down to villages, with the village headman system to implement the orders of government, was supervised by the GA. By 1928, the de-concentrated administrative structure headed by the colonial secretary through the GAs consisted of nine provinces and 19 districts, 110 chief headmen's divisions, 613 subdivisions under headmen, and about 4,000 villages under village headmen (Leitan 1979).

Later, when the government departments established their field administrative units at the provincial level, a parallel organization of departmental field units commenced activities alongside with the Kachcheriya headed by the government agent. The departments of surveyor general, public works, and irrigation were the earliest departments in the provinces. The technical departments and the departments, which had more day-to-day administrative works at the local level, established direct control over their field administration, creating a parallel administrative apparatus controlled by the central government (Leitan 1979).

### 24.3.2 Transition from Colonial Bureaucracy to National Bureaucracy

With the inauguration of the Donoughmore Constitution of 1931, which offered limited self-rule to the Sri Lankan elites, the colonial bureaucracy faced the challenge of transforming itself into a politically neutral bureaucracy to be led by the politicians elected by the people. The new constitution granted universal franchise and enabled the Ceylonese politicians to take over seven executive departments. These measures "had a significant impact upon the structure and the style of functioning of the bureaucracy" (Gunawardene 1989, p. 47). For the first time, the principle of political responsiveness became an important principle to be followed by the members of the administrative institutions. Now, the colonial bureaucracy had to shift from the colonial concern of law and order and revenue collection to universal welfare (Gunawardene 1989). Maintaining the politics and administration dichotomy was of prime importance to distinguish imperial interests and the local concerns. To this effect, the constitution created a Public Service Commission (PSC) as an advisory body, which advised the governor, who continued to exercise the powers entrusted to him in the past constitutional practice on appointment, promotion, transfer, dismissal, and disciplinary control of public officers (Leitan 1979). However, the bureaucratic transition that changed the balance of power in politics was not properly addressed. This has been attributed to the priority given to their long-held objective, the Ceylonization of Civil Service by the national political leaders (Warnapala 1974, pp. 113–124), and their attempt to consolidate the newly gained power by distributing the spoils among personal and political friends (Leitan 1979).

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## 24.4 The Postindependent Period

### *24.4.1 The Constitutional Order of Independence*

The constitutional order facilitated by granting of independence in 1948 required a national bureaucracy capable of dealing with twin challenges faced by the new state, namely nation building and rapid development. The first independent constitution provided legal protection to the public service by establishing an independent PSC, which was also identified as a measure of minority protection against the abuse of recruitment process in favor of majority community (Edirisinghe and Selvakkumaran 1990; Warnapala 1974). However, at independence, the public service was breathing with the legacies of colonialism with the mindset of maintaining law and order of the colonial state. This continued for some time, as both political and administrative leadership shared common political and social values regarding the challenges faced by the emerging new nation facilitating a good working relationship between the policy makers and the bureaucracy during the first 8 years after independence (Gunawardene 1989; Warnapala 1974).

The change of the governing regime in 1956 ended the tranquility that existed between the policy makers and the administrative leadership. With the change of the governing elite, the political system entered into a period of turmoil in which the mismatch between the political leadership and the administrative leadership became a visible feature. It eventually produced a conflict between the new political elite and the leaders of the higher civil service (Warnapala 1974). The allegation of noncorporation was raised against the senior public servants by the leaders of the new government. The constitutional protection provided for the public servants was identified as one of the obstacles to fulfill the people's aspirations. Consequently, in the early 1960s to early 1970s, the country witnessed the changes targeted at the difficulties confronted by the political leadership, identifying the administrative class, the Ceylon Civil Service, as an in-built resistance to change (Gunawardene 1989; Warnapala 1974). In 1963, the government abolished the Ceylon Civil Service, the administrative class that led the colonial state and the village headman system, which extended the law and order administration to the village level. They were replaced by the Ceylon Administrative Service (now Sri Lanka Administrative Services) and the Grama Sevaka Service (now Grama Niladhari Service), respectively (Gunawardene 1989; Warnapala 1974). Though the abolition of these services was hailed as measures to get rid of an outdated caste system, the changeover helped the politicians appoint their political favorites overlooking seniority and the abilities of the prospective candidates (Leitan 1979; Somasundaram 1997a). The establishment of the Department of Public Administration in 1970 further strengthened the politicians' grip on the administrative system. The final onslaught was the abolition of constitutional protections in the constitution against politicization. In 1972, when the first republican constitution was adopted, removing all constitutional links to the British System of government to make Sri Lanka an independent and sovereign republic, the public service lost most of the constitutional safeguards provided at independence.

### *24.4.2 The Republican Constitution of 1972*

The first republican constitution abolished the PSC established in 1948. It handed over the powers exercised by the PSC to the cabinet of ministers (Article 106, The Constitution of Sri Lanka (Ceylon) 1972). The cabinet of ministers received constitutional protection under parliamentary sovereignty, arranged for the new legislative body, the National State Assembly, which was identified as the supreme institution of the state by the Constitution (Article 5, The Constitution of

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Sri Lanka (Ceylon) 1972). As a result of the newly formed constitution, public servants lost the right to seek redress from the judiciary. The Constitution identified the National State Assembly as the holder of legislative, executive, and judicial powers of the government. However, the ultimate power was concentrated with the political executive that initiated the drafting of the new constitution. The new constitutional system, which was based on concentration rather than separation of powers, had two immediate casualties. First was the independent judiciary, which had developed strong traditions in the protection of civil rights of the people against the arbitrary use of state power (Edirisinghe and Selvakkumaran 1990). The second was the public service, which was trained to be politically neutral in the participation of both policymaking and implementation. The new constitution, which handed over the powers exercised by the PSC to the cabinet of ministers, established two bodies, namely the Public Service Advisory Board and the Public Service Disciplinary Board, as advisory institutions to the cabinet on matters relating to public service (Edirisinghe and Selvakkumaran 1990).

The political leaders that came to power in 1977 following the Republican Constitution of 1972 argued that they too needed a new constitution to fulfill the political and economic promises given to the people during their election campaign (Edirisinghe and Selvakkumaran 1990). The Second Republican Constitution established by the new regime in 1978 crowned the political centralization process initiated in 1972 by establishing an executive presidency, which is the central focus of the present political system.

## 24.5 Current Political System

The second republican constitution has transformed the country's system of government from a cabinet parliamentary system to a hybrid presidential and cabinet system, with the executive president at the helm. The president is popularly elected by the people through an absolute majority voting system (mixture of alternative and contingent voting systems). The president governs for a fixed term of 6 years unless he/she resigns from office or is defeated in a presidential election after his/her term in office. The only way to remove the president from power is passing an impeachment motion. This is a prolonged legislative and judicial process, which includes the approval in parliament by two-thirds majority and the endorsement of the Supreme Court. It is worth noting that the 18th Amendment, passed in 2010, removed the restriction that existed in the Constitution for a single person's holding of the presidency for more than two terms.

The president is the head of state, head of the executive branch, head of the government, and commander of the armed forces (Article 30 (1) of the Constitution of Democratic Socialist Republic of Sri Lanka). As head of the government, he/she leads the executive branch of the government, which is constitutionally empowered to lead the cabinet of ministers where the president is also a member. The cabinet of ministers is collectively responsible and answerable to the parliament regarding the direction and control of the government of the republic (Article 43(1) of the Constitution of Democratic Socialist Republic of Sri Lanka). However, the president shall continue in office in the event of dissolution of the cabinet. The cabinet of ministers, the noncabinet ministers, and the deputy ministers are accountable to the president for the discharge of duties assigned to them by the president, who can remove them from office any time by signing a written order (Article 47(1) of the Constitution of Democratic Socialist Republic of Sri Lanka). This will differ in the event of the executive president working in a coalition government with the prime minister and cabinet of ministers appointed by the opposition party. The president is immune from any lawsuit for any act he/she commits in his/her official or private

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capacity (Article 35 of the Constitution of Democratic Socialist Republic of Sri Lanka). This makes the presidency the supreme authority in leading the administrative and military apparatus of the government.

Parliament is a unicameral legislature with 225 members. A majority of them (196) are elected by the people through a list system of proportional representation. The rest (29) are appointed under a national list based on the proportion of the total votes received by each political party contesting the parliamentary election (Article 62 as amended by the 14th Amendment to the Constitution of Democratic Socialist Republic of Sri Lanka). The legislative authority exercised by parliament includes the power to amend the constitution, pass a new constitution, and pass laws with retrospective effect. Laws contriving to the constitution must be passed with a special two-thirds majority support from the members of parliament. The Supreme Court members are appointed by the president, who possesses the power to conduct judicial pre-review on any draft bill submitted to the parliament (Article 120 of the Constitution of Democratic Socialist Republic of Sri Lanka). The Supreme Court can further determine whether the bill is in contravention to the constitution, and whether it needs to be approved by a special majority in parliament or by the people at a referendum after it has been approved in parliament by two-thirds majority (Articles 120–123 of the Constitution of Democratic Socialist Republic of Sri Lanka). In addition, the president can ignore the decision of parliament and submit an ordinary bill that has completed the legislative process to the people at a referendum (Article 85 of the Constitution of Democratic Socialist Republic of Sri Lanka).

The 13th Amendment, which was introduced after a military intervention by the Indian peace keeping force in the Sri Lankan Civil War, which existed since 1983 (Navaratna-Bandara 1995, 2010), created a provincial sphere of devolved governance. It facilitated the establishment of provincial councils (PCs) in 1988 as the second tier of government. Consequent to the 13th Amendment, three lists of powers were accommodated into the constitution to assign the subjects to the PCs. These three lists provide the basis for national and subnational spheres of governance. The first list, the provincial list, identifies the legislative competence of the provincial councils. The second list, the reserved list, identifies the responsibilities that cannot be devolved to the PCs. Finally, the concurrent list identifies the shared responsibilities of the central government and the PCs. The subjects assigned to PCs cover a wide range of governance areas, such as the maintenance of law and order, administration of state land, provincial planning, and finance and administration of local government. It also covers human resource development, such as education, healthcare, social services, infrastructure development, and provincial-level economic and social development. However, the PCs cannot exercise executive or legislative authority on any of these subjects unless they are duly assigned to them by the central government (Amarasinghe 2010; Wickramaratne 2010). Subjects, such as the law and order and the local administration, are yet to be assigned to the provincial councils, and, at present, the assigning of powers such, as police and land, has become a controversial issue between the center and the PCs, as well as minority Tamil leaders who are asking for more devolved powers to their areas (Kamalendran 2012; Sri Lanka Mirror 2011).

At the provincial level, central government is represented by a governor and a chief secretary appointed by the president. Constitutionally, the governor is the head of the executive in the provincial council. When the people elect a provincial council, the chief minister becomes the functioning executive. However, as head of the executive of the provincial council, the governor has certain reserved powers in the executive affairs of the provincial government (Wickramaratne 2010). The central government handed over several important provincial subjects to the PCs during 1988–1990. One of the provincial subjects handed over to the PCs is the supervisory control of the local government institutions. Therefore, the local government or the third tier of government,

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which comprises the municipal councils, urban councils, and village-level pradesheeya sabhas, are now under the supervision of PCs (Gunawardene 2010, pp. 196–199).

## 24.6 The Present System of Public Administration

Sri Lankan public service is now virtually under the leadership of the executive president, though the cabinet of ministers has been constitutionally entrusted with the responsibility of formulating policies and governing personnel aspects of public service. The appointment of the leaders of public administration, such as secretary to the president, secretary to the cabinet, secretaries to the ministries, chief secretaries of the provincial councils, and members of national PSC, are made by the president. As such, the president can also influence the appointment, promotion, transfer, disciplinary control, and dismissal of heads of departments. This situation is unavoidable, as the executive presidency is the focal point of the constitutional mechanism created to exercise governmental power.

Apart from the arrangements set out for the control of public service by the head of the executive, the constitution consists of several legal directives for public administration. Most important among them are the articles that elucidate the nature of state, source of state power, principles of state policy, fundamental rights, public finance, exercise of executive power, and conditions applying to public officers. The first three articles of the Constitution stipulate the nature of state, the source of state power, and the sovereignty of state. Article 1 declares that Sri Lanka is a free, sovereign, and independent republic, and Article 2 pronounces that the Republic of Sri Lanka is a unitary state. These provisions later became the sacred principles to be followed by the members of the public service. In 1983, the parliament approved the 6th Amendment to the Constitution and made it compulsory for the public employees taking an oath to promise that they "will not directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate state within the territory of Sri Lanka" (Article 157 A and Article 162 (d) iii of the Constitution of Democratic Socialist Republic of Sri Lanka, as amended by the 6th Amendment to the Constitution). The public officers must show their allegiance not just to the state but also to its territorial integrity and unitary nature. Accordingly, a public officer will lose his/her employment if proved guilty for abetting or associating with secessionism. The most remarkable implication of this constitutional requirement is keeping the public servants inside the bureaucratic maze inherited from the colonial state, which laid the foundation for the unitary state framework currently protected by the Constitution. This has been the feature even in the administrative organs belonging to the devolved system of governance today (Navaratna-Bandara 2010). Consequently, it has become a daunting task to change the administrative process from rule imposing to a customer-driven service delivery approach, though the country has been experiencing multilevel governance for more than two decades (Gunawardene 2007, 2010).

Many of these constitutional directives are related to the process of centralization of political power associated with the statecraft strategy employed in the constitutions of 1972 and 1978 (Navaratna-Bandara 2000). The centralization of political power became a popular attraction in the 1970s, as the people were interested in decolonization and rapid economic development. Consequently, the constitutional arrangements were necessary for the strengthening of fundamental principles, such as political neutrality in public administration and independence of judiciary, which were diluted to suit political power objectives (Edirisinghe and Selvakkumaran 1990).

The chapter on fundamental rights included in the Constitution grants the legal right to any citizen of Sri Lanka to challenge the action of public administration in the courts seeking

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judicial remedies. Article 126 of the constitution declares that "the Supreme Court shall have sole and exclusive jurisdiction to hear and determine any question relating to the infringement or imminent infringement by executive or administrative action of any fundamental right or language right declared and recognized by chapter III and chapter IV" (Article 126 of the Constitution of Democratic Socialist Republic of Sri Lanka). Therefore the member of any governmental organization, especially the members of public service, could be tried at the highest court of the country. The people have legal entitlement to filing complaints, expressing their grievances, and seeking redress and compensation against the administrative decisions violating their rights. Theoretically, these provisions made the rule of law the preeminent aspect of the political system, though politics has the ability to manipulate the system in its favor.

Apart from the provisions empowering Supreme Court to protect fundamental rights of citizens, the basic law has provided provisions to establish the office of parliamentary commissioner for administration by parliament (Article 156 of the Constitution of the Democratic and Socialist Republic of Sri Lanka), the Sri Lankan version of ombudsman to enable the citizens and the members of the public administration to seek redress for violations of fundamental rights by the public administrators without languishing in complex judicial processes. The office of the ombudsman was established with the view that the people needed an institution that could facilitate easy access to justice with regard to the arbitrary actions of public administrators. The law stipulates that any person can complain against the actions of administrative officers who have infringed his/her fundamental rights or is about to infringe his/her rights. The ombudsman has the authority to enter any government institution and access any official document that is not named as a classified document. However, the ombudsman does not have legal jurisdiction to issue binding judicial orders. The task of the ombudsman is to settle the dispute by offering informal redress by reporting to the head of the institution concerned and submiting a report to parliament through Public Petition Committee (Bastiampillai 1997).

In 1996, the Parliament of Sri Lanka enacted a legislation to establish the Sri Lanka Human Rights Commission (SLHRC) with a mandate of promoting human rights and finding a mutually agreed settlement to disputes involving fundamental rights violations (Articles 11 & 18 of the Sri Lanka Human Rights Commission, Act No. 21 of 1996, Parliament of the Democratic Socialist Republic of Sri Lanka). The commission therefore takes part in investigating complaints of fundamental rights with a view to settling them informally. In recent years, it has been involved in resolving such complaints and also assisting the Supreme Court undertaking detailed investigations of such cases.

However, the working of the ombudsman and the Human Rights Commission in the field of fundamental rights is far from satisfactory. There is a continuous claim that neither of these institutions has not been provided the basic human and financial resources to function independently. These institutions have failed to gain confidence among the people because of their inability to provide legal redress. Therefore, critiques have labeled these institutions as "ornaments of the state" (Iqbal 2011a).

The establishment of PCs in 1988 divided the public service into the national public service and the provincial public service. The national public service could be divided into two categories, namely the All Island Services and the department services. The members of All Island Services hold the executive level cadre positions that undertake administrative, accounting, engineering, and scientific functions at both the national and the provincial governments. At the provincial council level, the All-Island Service personnel are expected to play the role of integrator of the entire "public service structure of the country reflecting the unitary character of the country's polity" (Administrative Reform Committee 2001, p. 37). The public servants in the provincial public

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service, excluding the members belonging to the All Island Services, fall under the Provincial Public Service Commission (PPSC), which is appointed by the provincial governors. The matters relating to the executive level officers in the provincial council administration are not dealt with by the PPSC, as they belong to the All Island Services, which is controlled by the National PSC.

The establishment of PCs in 1988 changed the provincial level administrative landscape of the country. The provincial administration, headed by the chief secretary, now runs a parallel administrative system with the local administrative institutions belonging to the central government such as district and divisional secretariats. However, the PCs are 'disabled' institutions, as they lack sufficient authority for drafting statutes and competence in handling fiscal resources and administrative functions. All the executive grade public officers in the PCs belong to the All-Island Services controlled by the central government. The PCs do not have legal draft-men or provincial attorney generals to use the statute-making power vested in them by the constitution. The PCs also depend on the central government for nearly 90% of its fiscal resources (Navaratna-Bandara 2010).

## 24.7 Current Issues

### *24.7.1 Politicization of Bureaucracy*

In Sri Lanka, the principle of political neutrality of public administration is an entrenched element of the system of governance since the Donoughmore Constitution of 1931, which introduced the idea of having a PSC to safeguard the political neutrality of public servants. The abolition of PSC and handing over of its powers to the cabinet of ministers in 1972 virtually abandoned the traditional principle of nonpolitical administrator. It provided a constitutional space for the politicization of the bureaucracy that had been identified by several observers in the 1970s as an emerging trend in the process of administrative governance (Kearney 1973; Leitan 1979; Warnapala 1974).

It was very clear that the independence of public administration was not to the liking of the political elite ascending to power after 1956. Public servants were subservient to the political bosses in the executive government. As noted by a former senior administrator, "the year 1956 marked the beginning of the politicization of the administrative process and the effective subordination of the administrative system to the political system" (Navaratne 1989, p. 8). The changes introduced into the public administration in the 1960s, such as the establishment of Sri Lanka Administrative Service, brought a new breed of public servants who were ready to share the political and social values of the emerging new political elite. As the emerging new political elite was interested in adopting a state-led development strategy, the public administration of the country had to acquire certain technical and cultural capacities to take up the development challenges attached to this new strategy. The requirement was to establish a development-oriented administration, capable of implementing the programs directed to achieve rapid economic development (Gunawardene 1989). However, instead of developing a full-fledged development administration, the reforms in public administration, as well as the development strategy, were dominated by the political power concentration desires of the emerging new political elite.

The scholarly analyses and the narratives of practitioners on the status of public administration during the post-1956 period provide information and analysis on the initial period of politicization of the bureaucracy in Sri Lanka (Kearney 1973; Leitan 1979; Peiris 2007; Warnapala 1974, pp. 208–211). In his autobiography, Bernard Percival Peiris, the cabinet secretary from 1947 to 1963, presented a story showing how "politics for the first time crept into the Cabinet office" (Peiris 2007). Warnapala (1974, pp. 304–307) highlights several instances in which public officers

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were involved in politics as members of trade unions and religious, cultural, and political-party organizations. Furthermore, the author produces a note sent by a member of parliament to show how the government politicians tried to secure appointments in government institutions for their party loyalists (Warnapala 1974). Robert N. Kearny had this to say in 1973 on the emerging phenomenon of politicization of the bureaucracy:

> A tendency for minister and other politicians to interfere in routine administrative activities has long been evident but the extent of penetration throughout the bureaucracy of political pressure and influences has increased tremendously in recent years. The trend has been reinforced by the willingness of public servants to accede to politicians requests and, with increasing frequency to seek political favors for themselves. (Kearney 1973, pp. 79–80)

Kearney identified two types of development as contributory factors for politicization of bureaucracy in the 1960s and 1970s, namely the tendency to exert political influence over administrative decisions and the tendency to test the political loyalty of career public servants when assigning certain positions (Kearney 1973, pp. 81–82).

As discussed above, the postindependent constitution making was dominated by the partisan power objectives of the political elites rather than national considerations. This came to the surface with the enactment of the Constitution of 1972. The second republican constitution carried it forward, making it a normal aspect of public sector governance. The different presidential styles produced since 1978 amid political and military crises faced by Sri Lanka is "a pure hybrid" and not the "dichotomy" of politics and administration popularized in the literature (Parsons 1995). The final outcome is the creation of an administrator subservient to the politicians in power. This has created a "bureaucratic imbalance," that is, the administrators failing to stand between the positions of "despotic" and "subservient" (Nachmias and Rosenbloom 1978). It is not an exaggeration to say that Sri Lanka has a politico-bureaucratic system rather than a nonpolitical bureaucratic system, as both the personnel management and the administrative process of the public administration are now subjected to close political scrutiny and interference (Somasundaram 1997b).

The passage of the 17th Amendment to the Constitution in 2001 reflected the change of mindset on the part of the politicians who understood the damage they had done to the public service through politicization. The fundamental argument promoted through the passage of the 17th Amendment was to reverse the process of politicization of bureaucracy and to create an independent professional public service to improve the efficiency in the delivery of services. However, the 17th Amendment did not bring the change envisaged into the administrative culture. The very same executive who permitted the governing party to bring the 17th Amendment created implementation problems. The president refused to appoint the persons nominated to the election council by the constitutional council, the new body created by the 17th Amendment as a check against the presidential discretion on the appointment of judges in the superior courts and high positions of the state. The constitutional council was a nonoperational institution during 2005–2011, as the tug-of-war among the small parties in parliament regarding the nomination of their members to the council was manipulated by the president not to reconstitute the constitutional council. It is worth noting here that in its first report, the constitutional council noted that "[though] the Seventeenth Amendment is an important step in the direction of good governance, but it should not cause a thrill of a delirious joy through the country, as though at last a sovereign medicine were found for all the diseases of the body politic" (Iqbal 2011b). Proving what the constitutional council had predicted in its first report, the government formed after the parliamentary elections

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held in 2010 brought the 18th Amendment to the Constitution and made obsolete most of the provisions in the 17th Amendment that were aimed at the depoliticization of public service.

### 24.7.2 Reforming the Administrative System

Reforming the public administration was a persistent theme in Sri Lanka since independence. The unsuitability of the rules, regulations, and procedures adopted during the colonial period was one of the focuses in the early attempts on the reforms (Nadarajah 1997). Since the 1960s, the public administration system had to take the responsibilities of the developmental state that emerged out of the politicization processes, as discussed in the previous section. During the 1970s, the leaders of the public administration had to engage in the preparation of development planning and introduction of necessary organizational changes to the administrative system. They also were asked to lead the government-owned enterprises (GOEs) and the infrastructure projects that were established by the developmental state, which made the state virtually the leading employer in the country. Then in the 1980s, when the political regime accepted some elements of the neo-liberal economic program introduced globally through donor intervention, public administration had to participate in planning and implementing large infrastructure development programs aimed at foreign direct investment. In this context, in the 1990s, management efficiency and the productivity of the administrative organization came to the forefront of policy deliberations. The donor pressure had made these issues urgent considerations of the policymakers and the administrators. In the recent past, several attempts have been made to this effect.

An Administrative Reform Committee (ARC) was appointed in the early 1980s, and it issued several interim reports urging the government to introduce new public management–oriented reforms into the public sector to cope with the emerging new situation. The ARC, in its report on "Administrative Changes in Support of Devolution" submitted in 1987, recommended the reorganization of the administrative system, forecasting an emergence of a three-tier arrangement of governance, that is, central, provincial, and local. It proposed to establish a new management group as the leaders of the central and provincial public services and initiate the reduction of staff in the public sector focusing on cost-effectiveness in the maintenance of administrative system (Administrative Reform Committee 2001). However, the subsequent changes accompanied with the devolution of government power produced what was not intended by the ARC (Wanasinghe 1994).

During 1995–2002, an administrative task force was established in the presidential secretariat, and a minister for administrative reform was appointed. The proposals, such as establishment of a senior management service and a management assistance service, introduction of flexible hours, citizens' charters, and staff redundancy schemes, were included in the reform agenda. However, the establishment of senior management service was abandoned, as there was pressure from politicians to appoint their favorites. The establishment of a management assistant service, encompassing all clerical, stenography, and office assistant services, continues without much enthusiasm from the senior members and trade unions.

After 2002, the prime minister's office took up the responsibility of creating a management-oriented administrative culture. Within public administration, e-governance became the catchword. Some departments and ministries have computerized public information system to expedite service delivery. As a result, services, such as the issuance of birth certificate, national identity cards, driving license, motor vehicle registration, and passport, have been expedited. The Department of Examination releases results of the public examinations on Internet. However, information technology (IT) is used by many ministries mainly to provide information on programs undertaken by the government.

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The public administrative system in Sri Lanka is far from achieving responsive governance through the use of e-governance. This could be attributed to factors, such as the huge costs involved in the establishment and maintenance of IT-based systems, the low rate of computer literacy among the population, and the consistence of a large number of non-IT-based public service delivery centers that require a responsive and citizen-friendly administrative culture rather than large systemic changes. The whole process lacks commitment from the political leadership. Although there are projects funded by the World Bank and other donor agencies to inculcate a favorable culture for e-governance, these activities have not resulted in comprehensive changes due to lack of continued commitment from the political leadership. Consequently, some of these programs, such as e-governance and citizen charters, have become part-time work for senior managers in their internal organizations. Due to the half-hearted implementation of reforms that were attempted since independence, the country has to work with a system of public administration that has been identified as "unfit" for the role assigned to it in the political system (Somasundaram 1997b).

## 24.8 Teaching Public Administration

Teaching public administration as a discipline commenced in the 1970s when the country was in search of a more responsive and development-oriented public administration. The Government of Sri Lanka for the first time recognized the need for teaching theoretical and practical aspects of the subject of public administration. In 1966, the government established the Academy of Administrative Studies. The decision was influenced by the similar institutional changes introduced in Britain following the recommendations of the Fulton Committee. In 1982, the Academy of Administrative Studies was replaced by a new institution, the Sri Lanka Institute of Development Administration (SLIDA). Established by an Act passed in parliament, SLIDA has mandate for conducting courses on public administration and management leading to diplomas and master's degree. At present, in addition to SLIDA, the public service personnel have the opportunity to follow training courses at the Sri Lanka Institute of Local Governance and the Public Service Training Institute.

It was the University of Sri Jayawardane that first received the approval for establishment of an academic department, that is, the Department of Public Administration (at present the Department of Public Management within the Faculty of Management) to offer public administration to the undergraduates as a separate subject. In 1970, the University of Peradeniya commenced the teaching of public administration as a subfield of political science. Later, the subject was introduced in some other universities, namely Universities of Kalaniya, Colombo, Ruhuna, and Jaffna, as a subfield of political science. As such, at present, the teaching of public administration is undertaken in almost all the leading state universities in the country, though the University Grants Commission, the central institution, has not yet fathomed the importance of teaching public administration or public management as a separate discipline to be handled by a separate department in these universities.

## 24.9 Conclusion

Public administration in Sri Lanka has now transformed from a colonial bureaucracy that had produced a space for the emergence of the nonpolitical administrator to a national bureaucracy that has produced an intermix of politics and administration. The factors that have been identified

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as attributes to this development include the change of political regime that brought ethnocentrist policymaking into the sphere of governance, the emergence of a developmental state, and the postindependent constitution making that led to the centralization of political power in the hands of the popularly elected political executive. The existence of a politicized bureaucratic system has made most of the reforms attempted in the recent past mere cosmetic exercises. As such, Sri Lanka provides a test case to understand the correlation between the political regime change and the process of administrative governance.

## References


Administrative Reform Committee. (2001). *Administrative Changes in Support of Devolution*. Report No. 6, Colombo: Department of Government Press.

Amarasinghe, R. (2010). The working of provincial councils: Centre/province relations. In R. Amarasinghe, et al. (Eds.), *Twenty-Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka.* Colombo: Institute of Constitutional Studies, pp. 140–162.

Bastiampillai, B. (1997). Ombudsman. In M. Somasundaram (Ed.), *The Third Wave: Governance and Public Administration in Sri Lanka*. Colombo: International Centre for Ethnic Studies, pp. 391–410.

Collins, C. (1966). Ceylon: The imperial heritage. In R. Braibanti (Ed.), *Asian Bureaucratic Systems Emergent from the British Imperial Tradition*. Durham, NC: Duke University Commonwealth Studies Center, pp. 444–484.

Dewaraja, L. (1994). *The Muslims of Sri Lanka: One Thousand Years of Ethnic Harmony*. Colombo: The Lanka Islamic Foundation.

De Silva, K. M. (2005). *A History of Sri Lanka* (2nd ed.). Colombo: Vijitha Yapa Publications.

Edirisinghe, R., & Selvakkumaran, N. (1990). Constitutional change in Sri Lanka since independence. *Sri Lanka Journal of Social Sciences, 13(1 & 4),* 79–103.

Gunawardene, A. S. (1989). The bureaucracy. In V. T. Navaratne et al. (Eds.), *Public Administration in Sri Lanka: A Symposium*. Colombo: Sri Lanka Institute of Development Administration, pp. 43–63.

Gunawardene, A. S. (2007). *The Operational Experience of Fiscal Devolution and Provincial Councils in Sri Lanka: Challenges and Options in Getting to Devolution and Multi-Level Governance*. Colombo: Institute of Public Administration.

Gunawardene, A. S. (2010). Local government under devolution. In R. Amarasinghe et al. (Eds.), *Twenty Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka*. Colombo: Institute of Constitutional Studies, pp. 191–215.

Hettiarachchi, T. (1982). *The Sinhala Peasant*. Colombo: Lake House Investment Ltd.

Iqbal, M. C. M. (2011a). *The Ombudsman of Sri Lanka: A Guardian of Rights or an Ornament of the State*. Hong Kong: Asian Legal Resources Centre.

Iqbal, M. C. M. (2011b). *The 17th Amendment to the Constitution*. Hong Kong: Asian Legal Resources Centre.

Kamalendran, C. (2012). Eastern PC wants police, land powers. *The Sunday Times*, January 29, 2012.

Kearney, R. (1973). *The Politics of Ceylon*. NewYork: Cornell University Press.

Leitan, G. R. T. (1979). *Local Government and Decentralized Administration in Sri Lanka*. Colombo: Lake House Investments Ltd.

McGilvray. (1982). *Caste Ideology and Interaction*. Cambridge, UK: Cambridge University Press.

Mendis, G. C. (1956). *The Coleman-Cameron Papers*. Oxford, UK: Oxford University Press.

Nachmias, D., & Rosenbloom, D. H. (1978). *Bureaucratic Culture: Citizens and Administrators in Israel*. London: Croom Helm.

Nadarajah, S. (1997). Evolution of administrative reforms. In M. Somasundaram (Ed.), *The Third Wave: Governance and Public Administration in Sri Lanka*. Colombo: International Centre for Ethnic Studies, pp. 239–262.

Navaratna-Bandara, A. M. (1995). *The Management of Ethnic Secessionist Conflict: The Big Neighbour Syndrome*. Aldershot: Dartmouth.


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Navaratna-Bandara, A. M. (2000). Ethnic relations and state crafting in post-independence Sri Lanka. In W. Lakshman & C. A. Tisdell (Eds.), *Sri Lanka's Development Since Independence: Socio-Economic Perspectives and Analyses*. New York: Nova Science Publishers, Inc., pp. 113–126.

Navaratna-Bandara, A. M. (2010). Provincial council public administration and public service. In R. Amarasinghe et al. (Eds.), *Twenty-Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka*. Colombo: Institute of Constitutional Studies, pp. 163–192.

Navaratne, V. T. (1989). An introduction to public administration. In V. T. Navaratne et al., (Eds.), *Public Administration in Sri Lanka: A Symposium*. Colombo: Sri Lanka Institute of Development Administration, pp. 1–11.

Panditaratne, B. L., & Selvanayagam, S. (2009). The demography of Ceylon: An introductory survey. In K. M. De Silva (Ed.), *History of Ceylon,* Vol. III, First Reprint. Peradeniya: University of Peradeniya, 285–302.

Parsons, W. (1995). *Public Policy: An Introduction to the Theory and Practice of Policy Analysis*. Aldershot: Edward Elgar.

Peiris, B. (2007). *Memoirs of a Cabinet Secretary*. Nugegoda, Sri Lanka: Sarasavi Publishers.

Somasundaram, M. (1997a). Sri Lanka administrative service. In M. Somasundaram (Ed.), *The Third Wave: Governance and Public Administration in Sri Lanka*. Colombo: International Centre for Ethnic Studies, pp. 340–356.

Somasundaram, M. (1997b). Public administration change. In M. Somasundaram (Ed.), *The Third Wave: Governance and Public Administration in Sri Lanka*. Colombo: International Centre for Ethnic Studies, pp. 20–53.

Samaraweera, V. (1997). The Muslim's revivalist movement, 1880–1915. In M. Roberts (Ed.), *Sri Lanka: Collective Identities Revisited*. Colombo: Marga Institute, pp. 293–321.

Samaraweera, V. (2009). The Colebrook-Cameron reforms. In K. M. De Silva et al. (Eds.), *History of Ceylon*, Vol. III. Peradeniya: University of Peradeniya, pp. 77–88.

Sri Lanka Mirror. (2011). President reiterates police, land powers not subjects for PCs Internet. *News Journal*, July 23, www.srilankabrief.org/2011/07/president-reiterates-police-land-powers.html.

Wanasinghe, S. (1994). *Activating Administrative Reform Process in Sri Lanka*. Colombo: Institute of Policy Studies.

Warnapala, W. A. (1974). *Civil Service Administration in Ceylon: A Study in Bureaucratic Adaptation*. Colombo: Department of Cultural Affairs.

Wickramaratne, J. (2010). The constitutional framework. In R. Amarasinghe et al. (Ed.), *Twenty-Two Years of Devolution: An Evaluation of the Working of Provincial Councils in Sri Lanka*. Colombo: Institute of Constitutional Studies, pp. 1–32.

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